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HANSARD'S
PARLIAMENTARY
DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXV.

COMPRISING THE PERIOD FROM
THE TENTH DAY OF JULY
TO
THE FIFTEENTH DAY OF AUGUST, 1834.
Fifth (and last) Volume of the Session.

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1834.

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PREFACE.

AN ARGUMENT AGAINST ANY AUTHORISED PUBLICATION OF THE DEBATES IN PARLIAMENT.

THE close of a Session, which is also the termination of the First Reformed Parliament, seems a proper occasion for the proprietor of these extensive Debates, to direct the attention of his numerous subscribers and friends to some circumstances connected with the work. For upwards of thirty years it has been carried on by his late respected father and himself with considerable success, frequently earning approbation from the most distinguished parliamentary orators and historical writers for its fidelity and completeness. He mentions this circumstance, less to boast of it as merit in him, than as a proof of the patronage by which he has been honoured. The most distinguished Members of both Houses of Parliament have, during that long period, generally revised the reports of their own Speeches, so that his Debates have been described, and not undeservedly, as a faithful Record of the eloquence of the British Senate.

It might have been supposed that such a Work, supplying all that was valuable for reference,—in conjunction with the extensive and accurate reports of the daily newspapers, gratifying the curiosity of every new day,—would have been sufficient for all useful purposes, though without the experience of successive failures, it might have been hazardous to pronounce a positive opinion. But, after having witnessed several failures of this description, and having now seen the *Mirror of Parliament* linger, like several of its almost forgotten predecessors, through a few years of unprosperous existence, he feels justified in asserting of it, that it had its origin rather in a greedy but miscalculating desire for commercial profit, or from a wish in some gentlemen to obtain a control over the publication of the debates, which they could not obtain over the independent press, than from a correct appreciation of the public wants. As a commercial speculation, it is a matter of notoriety, that the *Mirror of Parliament* has been a complete failure. After several changes of proprietors an attempt was made, as a last resource, during the Session just ended, to obtain for it the official patronage of the House of Commons. On May 22nd a Motion was made in that House by a friend of the Editor, most probably at his instigation, and certainly supported by arguments drawn up by him, and submitted to the Members of the House of Commons prior to that day,* the object of which, in reality, was to establish the *Mirror of Parliament* as the authorised record of the Debates of the House of Commons. It is probable that a similar attempt will again be made. Mr. Barrow, in the Preface to the *Mirror* for the Session 1834, sets forth reasons why it should be, and that work, though its cessation has been expected, is to be continued, less from the warranty of past success, than from a hope that the sanction of the House of Commons will convert it into a profitable speculation. To the injustice, as well as the impropriety, of thus bolstering up a commercial failure by the authority of Parliament, the proprietor of these Debates solicits the attention of his friends and subscribers, and of all the Members of both Houses of Parliament.

During the thirty years which this Work has been established, a period of unexampled brilliancy in parliamentary oratory, it has given general satisfaction, and while it has received the approbation of our most distinguished public men, it has been a source of honour and profit to those concerned in it. Among the illustrious persons who, in that time, honoured these Debates with their patronage, and who contributed to stamp a value on them by a careful revision of their Speeches, the proprietor may mention, of departed worth, the late Lord Colchester (Mr. Speaker Abbot), The Earl of Liverpool (Lord Castlereagh), Earl Mansfield, Earl Stanhope, Pitt, Fox, Canning, Grattan, Flood, Sheridan, Huskisson, Mackintosh, Romilly, Tierney, Wilberforce, etc. etc. Of the parliamentary eloquence of these classic orators, the Parliamentary Debates is the sole faithful record. If names like these shed a lustre on the early volumes, other names might be quoted which, to posterity, will be equally illustrious, and which the proprietor only forbears to mention, because the orators are yet living, as giving equal value to the very latest volumes of his collection. The most distinguished Members of every party have ensured the correctness of their Speeches, and added new value to the Debates, by their continued revision. Having no partialities—belonging to neither side of the House, as every publication must have, which is under the control of any member of the House,—the work has been adopted and quoted by all parties as the careful record of their sentiments and opinions.

He could not justly make an objection to another person entering into a competition with him in the same field, but as the *Mirror of Parliament* was avowedly started to surpass this work, the proprietor could hardly expect, after he had stood the contest for several years, and when he was flattering himself that his exertions and perseverance were about to triumph, that he should be exposed to defeat by the House of Commons, from which all good subjects expect equal protection, becoming the ally of his opponent. He is quite confident, however, that he does Mr. Tooke, who made the motion, and the Members who supported it, only justice, when he avows his belief that they were ignorant how much it was calculated to inflict a deep and permanent injury on one branch of a family, which has faithfully served the House of Commons for nearly a century.

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* See the Preface to the Mirror of Parliament, Sess .1834.

To set this point in a clear light he may observe, that it was stated in the Debate on the 22nd of May as an argument in favour of the Motion that "an authorised Report of the Debates in that House might be had without costing the nation a single shilling." At present, however, the *Mirror of Parliament* is not a profitable speculation ; and as the money which is to make it profitable is, on this supposition, not to come from the public purse, it must be derived, it is to be presumed, from the extended sale of the work authorised, and the diminished sale of its competitors, however valuable or long-established. In short, the gist of the proposal made by the friends of Mr. Barrow, though made we admit in ignorance or unthinkingness of its effects, was to enrich him by the authority of Parliament at Mr. Hansard's expense.

But, to leave personal matters and come upon the high ground of the public convenience and constitutional law, no man will deny, however zealously he may advocate the propriety of having an authorised Report of the Debates in Parliament, that all the substantial interests of society have been well served by leaving the matter, as at present, entirely open to public competition. On the ground of public convenience, whatever trifling inconvenience some parties may suffer, there is no reason for demanding a change.

With respect to the constitutional law of the case, that can hardly have been looked at by the advocates of an authorised Report, for if it be not misunderstood, it supplies an objection which must be fatal to the proposal. The argument on this point shall, however, be divested of all technicalities, and as plainly and briefly stated as is compatible with being understood.

The Speaker of the House of Commons, on every new Parliament, and immediately on being chosen, asks from the Sovereign the same freedom of speech as former Houses of Commons enjoyed under his ancestors. Perfect freedom, therefore, to say what the Members please is not an inherent right, it is a privilege conceded to them by the Crown. The purpose of giving them this privilege obviously is, that they may freely express their opinion of the King's Government and Ministers, freely expound all the grievances of the people, and may openly and boldly defend all their rights and privileges against the Crown without being questioned in any of the King's Courts or any where out of the House of Commons for what they may say in the House. To attain all these objects the privilege need not, and does not, extend beyond the walls of the House ; and beyond them, as attacks upon private character become libel though made by a Member of Parliament, so no doubt a verbal attack on the King's dignity would become sedition, and the Member might be prosecuted and punished. The recent cases, both of Mr. O'Connell and Sir Francis Burdett, found guilty of seditious libels, as well as scores of earlier cases, shew that the privilege is confined to the walls of Parliament;

The case of Mr. Creevey also, to be found fully detailed in vol. 26 of these Debates, p. 898, is quite decisive. That gentleman revised and corrected a speech delivered by him in the House of Commons, in which there were some reflections on an individual, and sent it to a newspaper for publication. An action was brought against him for a *printed* libel, and he was finally sentenced to pay a fine to the King of 100*l.* The Judge in that case held it to be a clear point of law, that the privilege of freedom of speech did not extend to freedom of publication. Mr. Creevey brought the matter before the House of Commons; and Members of his own party, and of the greatest authority, such as Mr. Wynn, and Lord A. Hamilton, adopted the law as laid down by the Judges, and scarcely deigned to listen to Mr. Creevey's complaint as a breach of privilege. Mr. Wynn said, "The privilege of Parliament implied, that every Member should have full and uncontrolled liberty of speech within those walls, but it could not extend to any thing said or *published* beyond them without giving to every Member of the House of Commons a right to libel whom he pleased, under the pretence of discharging his duty in Parliament." *

If it be the law as to private libels, which a Member shall not be questioned for speaking in the House, it must *à fortiori* be the law as to seditious libels, and as to all attacks upon the King's crown and dignity. But if no individual Member of the House of Commons have the right to print and publish what he says in the House of Commons without being amenable to the law, how can the Members collectively have such a right? In what, then, would a publication of the Debates by the authority of the House, in which there might be libels or seditious speeches, differ from a publication by an individual, so that the Members who might have spoken the objectionable matter should escape punishment? An authorised publication of what is said in the House, must, therefore, it is clear, either supersede the authority of the King's Courts and of the laws themselves, whenever those debates contained libellous or seditious matter, or it must bring into conflict the Courts of Law and the authority of Parliament.

That would be one of the probable evils of the measure, were it adopted; but is it quite clear that that House of Commons can adopt it without a great extension of its privileges? That House asks, by the mouth of the Speaker, for liberty of *speech*. The scheme proposed implies privilege of *publication*. If the project be still entertained, it would probably be wise, if parliamentary, to take the opportunity afforded by the new Parliament, and move an instruction to Mr. Speaker, that he ask his Majesty to grant his faithful Commons liberty of publication as well as of speech, so that they shall not be questioned out of the House for anything which the authorised publicationof what they say in the House shall contain. Such a demand, if conceded, would make a fearful alteration in the privileges of the House of Commons, and a fearful inroad in the Constitution of the country.

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* Debates, Vol. 26, 913.

It would at once place all the laws, and all the Courts, and all private character, at the feet and at the mercy of the Members of the House of Commons. It would be difficult to prevent individuals from copying the authorised publication of sedition, and private libel, or punish them for doing so ; and thus the authorised publication might be made the means of spreading the most pestilent doctrines, or the most injurious attacks on private character, through every part of the country. Already the privileges of the House of Commons are subject to many invidious attacks, and this additional privilege must either make that House amenable to some jurisdiction, and so destroy its pre-eminence and power, or make it a curse to the nation, and cause its own destruction.

Even that risk might be run, if any important advantage were to be gained by it. By competition, however, all that is substantially useful in reporting the debates, is at present obtained, while the publication of seditious language, or of libel, is checked by the responsibility of the Publishers That operates, too, as a check upon the Members; for attacks upon individuals, which are to take effect "out of doors," are not spoken, because it is known that they will not be carried beyond the walls. Such a rash change then as that of authorizing the publication of what is freely spoken in Parliament, involving the important consequences briefly alluded to, will, it may be unhesitatingly assumed, not be risked in order to gratify the vanity of individuals, or bolster up one falling work.

But should it be resolved to encounter the risk, and should some authorised, (and therefore exclusive) Report of the proceedings be deemed necessary, Mr. Hansard may express a hope, that his claims will not be forgotten. He will institute no invidious comparisons, or he might show, from his past services and success, as well as the merits of his work, that it deserves the official support of the Houses of Parliament. He does not, however, seek any privileges ; he wishes for no other remuneration than that of which his work is worthy, he demands only that privileges should not be conceded to others, that all should be left to their own deserts, and he has no fear for the result.

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HANSARD'S
Parliamentary Debates

During the SECOND SESSION *of the* ELEVENTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
4th February, 1834,
in the Fourth Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Fifth Volume of the Session.

HOUSE OF LORDS,
Thursday, July 10, 1834.

MINUTES.] Petitions presented. By the Duke of BEAUFORT, from Bristol, against Clauses in the Poor-Law Amendment Bill.—By the Earls of COVENTRY and WINCHILSEA, from several Places,—for Protection to the Established Church, and against the Claims of the Dissenters, and for the Better Observance of the Sabbath.

THE MINISTRY.] The Marquess of *Londonderry* said, that although the bench opposite was nearly empty, and although the noble Earl who was lately at the head of the Government was not in his place, still he saw some Ministers present, and the noble and learned Lord was on the Woolsack, and he therefore thought it right to ask a question which his public duty compelled him to put. Their Lordships were in this extraordinary predicament, that in this House the noble Earl told them yesterday that he had resigned, and a similar communication was made to the other House by the noble Lord, the Chancellor of the Exchequer. In this House, the noble and learned Lord on the Woolsack had said, that with the exception of these two individuals the Government existed as before, as there were no other Members of it who had resigned. A contrary statement was made in the other House of Parliament, for the noble Lord, the Chancellor of the Exchequer, there said, that himself with four others had retired from the Government, and that the dissolution of the Administration had taken place. The question he wished to ask the noble and learned Lord was, if we had at this moment any Government at all, if any of these noble individuals still retained their seals, and whether the noble and learned Lord would tell him whether he (the Lord Chancellor) knew of his own knowledge that any individual had been charged to reconstruct the Administration? If there was not any Government existing, he should move, as he ought, the adjournment of the House.

The *Lord Chancellor:* I am charged, my Lords, by my noble friend who was lately, and who still is nominally at the head of the Government, to give any explanation, and to answer any question that might be put, to say that he shall not be able to attend in his place to-day, as indeed it is unnecessary for him to do, understanding as he did, that nothing whatever would come on; and that after the explanation of yesterday, if he had attended, he might have been spared any application to answer questions, as after stating that he was no longer a Minister of the Crown he was no longer liable to be called upon in that manner. In answering the first part of the question of the noble Marquess, I re-state what I stated yesterday, that I know of no resignations up to this moment, except those of my noble friend, lately the real, and still the nominal head of the Government, and of the noble Lord, the Chancellor of the Exchequer. I understand it to have been said, by the noble Lord, the Chancellor of the Exchequer, in the other House of Parliament, that three other persons—[The Duke of *Buckingham* and Lord *Londonderry:* Four.] Take them to be four other persons, approved of his conduct and motives, and concurred with him in the opinion he entertained of the propriety of his resigning the office of Chancellor of the Exchequer. I do not understand it to have been said, that any one of those Gentlemen had tendered his resignation; but then it has been stated that my noble friend, the Chancellor of the Exchequer, said, that the Government was virtually dissolved, or was virtually abandoned. I understand the expression to have been this—that by that time the noble Lord at the head of the Government would have stated here, in this House, that the Government was virtually dissolved. Your Lordships will bear witness with me, that that was an entire misapprehension, so that whoever took the trouble, and from whatever motive, be he whom he may, to communicate the statement made by my noble friend in this House to the Chancellor of the Exchequer the other House, communicated a statement the reverse of the fact. My noble in friend cautiously, purposely, manifestly, abstained from making any such statement, and stated only, that he and the noble Lord, (the Chancellor of the Exchequer) had tendered their resignations. It is impossible that my noble friend could have said, that the Government was really or virtually dissolved, for then I could not have got up and stated what I did afterwards, and which, if the Government had been dissolved, would have been contrary to the fact, and would have been at once contradicted by my noble friend. It was an entire misapprehension; no such statement was made here, and none could have been made with correctness, and in accordance with the fact, any where. What is likely to be the consequence of this state of things in which accident has placed the Government, and the Parliament, and the country, is another question. I will not speculate on the consequence; but if any noble Lord says, that it is highly inexpedient that Parliament should go on without a responsible head of the Government, I beg leave to declare that I fully agree with him, and so does my noble friend. For that very reason, my noble friend would not move the third reading of certain measures; but he stated that he thought the Poor-law Bill stood in a different situation; and, with a gallantry and disinterestedness which he had always shown, he said, "How just soever are the motives that have induced me to resign my office, yet I ought not to make that resignation the cause of stopping a Bill which I deem of so much importance to the country;" and my noble friend, therefore, gave notice, that he should bring it forward, and he will do so to-morrow. If the reconstruction of this Administration, or the formation of another, should be delayed so long that the exigences of the public business should absolutely require it to be at an end—if it should be delayed so long even as to interfere with the good conduct of the public business, we all know that Parliament would have a right to interfere. There is no man who would more readily than I acknowledge the right of Parliament—the right of both, or of either of the Houses of Parliament—to interfere on such an occasion. I never had a doubt about it—if I had, I should have that doubt removed by the presence of a noble Baron on the Bench near me, who, in another place, made a Motion under similar circumstances—a Motion which I recollect I seconded, on occasion of the delay that took place in forming an Administration after the lamented death of Lord Liverpool. But though I admit fully the right of either House of Parliament in this matter, I must say, that I do not think the state of the country to be so strongly excited and so feverish as to make a delay of twenty-four hours too long! His Majesty has been placed in a state of great difficulty; and whether considering the state of parties, which no man more bitterly deplores than I do, as tending to prevent the formation of an Administration equal to the exigences of the public service—I say, that whether considering the state of parties, or the state of Parliament and of the country, I do not begrudge twenty-four hours; no, nor a much longer period of time, for the performance of that most responsible—that most difficult—that all but hopeless task in this state of parties, since men will persist in regarding party and personal motives before public ones; ["*No no!*" *from the Opposition.*] I assure your Lordships that I do not refer to this side of the House, but I say it of all public men more or less, and I speak it in the spirit of the most unfactious conciliation. I have now answered all the questions but one of the noble Marquess.

The Marquess of *Londonderry:* No, no! The question about any person being intrusted with the formation of a new Ministry has not been answered.

The *Lord Chancellor:* Yes; I remember, but that is just the question that I will not answer; and what is more, neither interruptions, nor sneers, nor a good-humoured joke—the force of which I can feel as much as any noble Lord present—shall compel me to answer a question which duty to my Sovereign ought to make me refuse to answer. I should betray my duty to my Sovereign, if I were to answer it. If I knew nothing, I could answer it—easily answer it; but it is because I do know, that I refuse to answer; and I trust that your Lordships will think that I am not guilty of any unbecoming taciturnity. I am not taciturn. I can defend myself when I am attacked, and I can defend my friends, when my friends are attacked; but I think that not to preserve silence, when anything but silence would mar the public service, defeat the end which we all wish to see speedily accomplished, and prevent his Majesty from gaining that assistance which he is entitled to from all public servants, would not betoken a proper regard for the public service.

The Duke of *Buckingham* said, that the House had heard a long and eloquent speech from the noble and learned Lord, instead of an answer to a question which every Peer had a right to put—namely, whether the noble and learned Lord knew of any one having received instructions to reconstruct the Administration. The amount of the speech was, that the noble and learned Lord knew, but would not tell.

The subject was dropped.

HOUSE OF COMMONS,

Thursday, July 10, 1834.

MINUTES.] Petitions presented. By Mr. TODD, from Honiton, against the Church-Rates Bill.—By Mr. W. PATTEN, from Falmouth, against compelling the Attendance of Protestant Officers and Soldiers on Catholic Ceremonies.—By Mr. R. TREVOR, from Abergwilly, against the Universities Admission Bill; and from several Places, for Protection to the Established Church.—By Mr. TYRELL, from Killowen, in Support of the Established Church.—By Mr. ROLFE, from Somerby, against the Separation of Church and State.—By Colonel VERNER, from several Places, against the Claims of the Dissenters.—By Mr. LLOYD, from Great Barfield, for a Law to Protect their Property from Incendiary Fires.—By Mr. BAINES, from Leeds, for Compensation for Chapels destroyed in Jamaica.—By Sir R. HILL, from the Magistrates of the County of Salop, against the Prisoners' Counsel Bill.

STATE OF THE NATION.] The *Speaker* said, that under existing circumstances, he supposed hon. Members who had notices on the book, would put them off to some future day. He observed, that there was a notice (No. 11) which had been given by the hon. member for Middlesex, respecting the state of the nation, in reference to the present crisis. Perhaps it would be the pleasure of the House to proceed with that Motion first.

Mr. *Hume* said, that he had last night given that notice, after the statement made by the noble Lord; and conceiving that there being no responsible Minister to conduct the business of the House, and that the entire Cabinet had resigned, it was his intention at the time to bring forward such a Motion; but the information he had since received, led him to think that a Motion of the kind at the present moment, would be premature; and he, therefore, would beg to withdraw it for the present, without fixing any date for bringing it on. At the same time, he thought that, under existing circumstances, and with no responsible Minister in the place of the noble Lord to conduct the Government business of the House, the House should not proceed with any business of importance. The House, he was sure, would agree with him; therefore, that it would be better not to meet to-morrow, but that after disposing of the ordinary business to-night, they should adjourn to Monday next. He would therefore move, that the House, at its rising, do adjourn to Monday next.

Mr. Warburton seconded the Motion.

Lord *Althorp* did not rise to say anything in reference to the Motion; he merely rose to make one observation in relation to what had fallen from his hon. friend, the member for Middlesex. His hon. friend had stated, that there was no responsible Minister in the House. What he had said in the statement which he had the honour of submitting to the House last night, was, that though he had resigned his office, he, of course, held it until his successor was appointed; and that he should consider himself responsible for the conducting, and bound to conduct, the ordinary business of the House.

Mr. *Baring* certainly thought, that in the present peculiar situation of the House, it would be more consistent with the dignity of the Crown, and more advantageous for the discharge of the public business, that they should adjourn for a few days. It was due to the Crown, as well as to the dignity of the House itself, and was also matter of public convenience, that such a course should be taken.

Mr. *Henry Grattan* should neglect his duty if he did not express his opinion on this occasion, as to the principles of the five individuals who had retired from the Government. He thought, that as representatives of the people, they were bound to do so; and that it would be only acting fairly towards the Government to express their opinions on the matter. They ought to take a part in it; he certainly would take his part—he would express his opinion. The English members and the Irish members, and the Scotch members, should do the same. He begged to say, that he would give his support to those individuals, whether five or six, who had resigned office upon such principles. As one of the representatives of the people, he felt it his duty to give his support to those who had retired from office upon liberal and extended principles. A colour should be imparted to the Government that was about to be formed by the expression of the opinion of that House. He could not avoid expressing his deep regret, that his right hon. friend the Secretary for Ireland, had been obliged to resign. He thought that his right hon. friend had been hardly and unjustly dealt with. He had often opposed the noble Lord, but he had always done so with regret. He trusted, that whether it was settled that the House should sit to-morrow, or that it should adjourn to Monday, it would not separate without giving a cheer for the five individuals who had retired from office. He trusted, that the sentiments of the five individuals to whom he had alluded, would influence the formation of whatever new Cabinet was to be constituted, and that that Cabinet would be framed upon liberal principles, without which it would be vain to hope to conciliate or govern Ireland.

The Motion of Adjournment carried.

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HOUSE OF LORDS,
Friday, July 11, 1834.

MINUTES.] Petitions presented. By Earl BEAUCHAMP, from Great Yarmouth, for Relief to the Dissenters.—By Lord SUFFIELD, from Glamford Briggs, for a secondary Punishment for Rickburning.—By Lords GRANTHAM, KENYON, and WYNFORD, the Duke of BEAUFORT, and the Earl of MALMESBURY, from a Number of Places,—against the Poor-Laws' Amendment Bill.—By Lord FARNHAM, from several Places, for Protection to the Protestant Church in Ireland.—By the Dukes of GLOUCESTER and RUTLAND, Earls WINCHILSEA, BEAUCHAMP, ROMNEY, and NORTHESK, Lords FARNHAM and ROLLE, and the Bishop of EXETER, from a Number of Places,—for Protection to the Established Church, against the Separation of Church and State, and against the Claims of the Dissenters.

BOROUGH OF WARWICK.] The Earl of *Radnor* said, he had received a note from his noble friend (the Earl of Durham) who had undertaken the care of the Warwick Borough Bill, in which he stated, that owing to the indisposition of his lady, he could not attend the House, and therefore the noble Earl requested, that he would, in his absence, postpone the proceedings in that Bill. Having done so, he should take that opportunity to draw their Lordships' attention to another Bill, the Liverpool Freemen Disfranchisement Bill, which was now waiting for a second reading. The understanding was, that the latter should not be proceeded with till the Warwick Borough Bill should be finished. Now, as it was proposed to stay the proceedings with respect to that Bill for some time, he submitted to their Lordships whether, at the present late period, and under existing circumstances, it would be proper for him to go on with the other Bill. He would take that course which was most pleasing to the House.

The *Lord Chancellor* said, the question was certainly one of great importance, and required much consideration. As to bringing it on, if the House pleased, he might say, as had once been said by a learned person when asked if he would please to move, that there was no pleasure at all in it. That, however, was an individual opinion, and for himself, he had no objection to go on with the Bill. Their Lordships ought, however, to recollect that they were, he would not say near the end of the Session, for then he should fall into the same error into which a noble baron had fallen the other day,—but that they were near the end of July, and it would take a very considerable time to discuss such a measure as this. There was, however, a very important Bill,—a Bill which was calculated to
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effect great improvements in the election system, in Committee up stairs — the Bribery Bill. The object of that Bill was to establish a just and convenient tribunal for the adjudication of cases of this nature. Now if, with the concurrence of the other House, that measure, which was now prospective (except with reference to the Carrickfergus case), could be made retrospective, would it not be better, if that were done, to reserve those two cases for the decision of that new tribunal? By taking that course, they would prevent loss of time, and be relieved from the evil of having three or four election cases at once under the consideration of the House.

Lord *Ellenborough* was not quite clear, that the Bribery Bill, which was up stairs, could be got through this Session. Besides, he did not know that it would be expedient to say that they would refer certain cases to a tribunal which was not yet formed. He had no desire to proceed with the Stafford Bill this Session.

The *Lord Chancellor* said, if the noble Baron dissented from his proposition, he (the Lord Chancellor) should at once retract his suggestion, and beg of his noble friend (the Earl of Radnor) to suppose that he had not made it. He was very willing to sit next week, and go on with either of the cases.

Lord *Ellenborough* did not say, that this Bill ought not to go before that tribunal. He had merely doubted the propriety of declaring that offences which had been committed a long time ago should be brought before a judicature not yet established.

The order of the day for the second reading of the Warwick Borough Bill was discharged.

THE MINISTRY—THE POOR-LAWS.] The Marquess of *Londonderry*, seeing a noble Earl (Earl Grey) in his place, wished to say a few words, with reference to what had passed yesterday, when he asked a question, which certainly had not been answered. In his opinion, when measures of great importance, such as that which was about to be brought forward that evening, were submitted to their Lordships' consideration, it was right that they should know who were the responsible advisers of the Crown, or whether the Crown had, in fact, any responsible advisers. The noble Lord on the Woolsack, he believed, admitted that it was usual—nay, that it was proper—for Parliament to adjourn until a responsible Government was formed; and it appeared to him that, situated as they were, such was the course that ought to be taken on the present occasion. He asked their Lordships whether they would take that course, or, without a responsible Minister being present, proceed with the second reading of the Poor Laws' Bill? He had received various communications relative to that Bill from the county of Durham, and the Magistrates of that county declared, that it was one of the most injurious, one of the most pernicious Bills that could be possibly sanctioned by the Legislature. It seemed to him, that, under these peculiar circumstances, their Lordships ought seriously to consider whether, after the example of the other House of Parliament, which had thought fit, though important business was pending, to adjourn, in order to give time for the formation of a Government, he put it to their Lordships, whether they ought not, considering all the circumstances, to take the same course. It was not the intention of so humble an individual as he was, to press their Lordships to any expression of opinion. He had taken this course without consulting any of the noble Lords with whom he usually acted, and probably against the wishes of some of them. His feeling, however, was, and that perhaps was the general feeling of the country, that they ought not, at present, to proceed with any important measure.

Earl *Grey* was very unwilling that a measure of so much importance should be postponed, unless circumstances rendered that postponement absolutely necessary; but whether he should or should not proceed with it, was entirely for their Lordships to decide. He had, on a former occasion, stated to their Lordships the reasons which induced him to except this Bill from several other measures that were before the House, and to offer his services in forwarding it. He had done so, because he viewed it as involving no party or political questions. It was a subject, indeed, which the Government had taken up, because they deemed it necessary; and, assuredly, it was a question on which they could not be supposed to be influenced by any party or personal motive, or by any feeling except an anxious desire to benefit their country. These precisely were the motives which led him to state that he was willing, however inconvenient to him it might be personally, to proceed with the Bill. If their Lordships thought that the incomplete state of the Government made it unadvisable to bring it before the House, he should at once bow to that decision. He must, however, say, that his course was quite clear, and it was for their Lordships to say whether the discussion should go on or not. If their Lordships should think, that the second reading of the Bill ought to take place, but that the Bill ought not to go into a Committee, he must say it would be much better that the Bill should be postponed until a more favourable opportunity presented itself of bringing it before their Lordships.

The *Lord Chancellor* observed, that there was undoubtedly a great deal of sound sense in what had been said by his noble friend. He had stated most justly, that if their Lordships were only to take the second reading—to decide upon the principle—and then to postpone all further proceeding with the measure until that period to which all of them, and the country in general looked, when an Administration should be formed, they would gain nothing by adopting such a course. If they were to proceed thus, he could perceive no very great advantage that would be gained by imposing on his noble friend the labour of opening the Bill to their Lordships on this occasion. Every person must applaud the manner in which his noble friend had stood forward to take charge of this measure. But if the suggestion were acted on, that of proceeding with the Bill in this stage, and then stopping, he saw no good that could possibly result from it. When his noble friend had offered to take charge of the Bill, it was, as he understood, with the feeling that its progress should not be impeded—that it should go on regularly to the next stage. Why, he would ask, should it be stopped at the Committee? The same argument might be adduced for stopping it at the second reading—that stage where the principle of the Bill was debated. In such a case as this, he thought their Lordships might fairly be guided by the good sense and the well-considered opinion of his noble friend. They could not, he was confident, do better than to leave the matter, the course of proceeding, entirely to his noble friend's decision. His decided opinion was, that the greatest inconvenience, and the greatest mischief to the country, would be the result of the postponement either of the second reading or of the Committee. If he thought that this great, salutary, and most remedial measure was likely to be placed in jeopardy during the present Session by any proposition that might be made—if he thought that it was likely to be placed in jeopardy, even for a single day, he should not consult even the convenience of his noble friend in doing that which his duty would point out to him.

The Duke of *Cumberland* thought, that their Lordships ought, at present, to postpone the Bill.

The Duke of *Wellington* said, he had before stated, that he would not oppose the second reading of the Bill. But though he might approve of the principle, it by no means followed that he concurred in the details of the Bill. He could not agree with the proposition of his noble friend (the Earl of Malmesbury), that the Bill should be postponed till the next Session; because he thought that there was time enough in the present Session to go through with it. The most important part of this Bill, as it appeared to him, was the appointment of Commissioners. That part was certainly most liable to debate; and when the House came to that portion of the Bill, it was most desirable, before they came to a decision, that they should know who the persons were whom it was intended to place in these situations.

The Earl of *Winchilsea* should certainly like to know in whose hands this enormous power was to be placed, and he should not be satisfied till he had received that information.

Lord *Ellenborough* said, this difficulty could easily be surmounted by a very simple plan, and one that would be extremely satisfactory to the country—that of naming the Commissioners in the Bill. He would do full justice to the noble Earl opposite, to the noble and learned Lord on the Woolsack, and to his Majesty's late Government in general, for bringing forward this measure, particularly as they had founded it on the Report of a Commission. In doing so, they had run the risk of incurring great unpopularity, but they had run that risk, he believed, from a desire to benefit the country. Disclaiming, as he did, any concurrence in any of the acts of the late Government, it would not be fair for him to withhold from them his approbation for their conduct with respect to this measure. Whatever complexion their other acts might bear—whatever inferences might be drawn from them—he believed that this act, either for good or for evil, would have a greater effect with reference to the people of this country than any which they had introduced. The noble Earl stated, that he had placed himself in their Lordships' hands, and that being the case, their Lordships ought to act with a becoming spirit towards him. The other night a noble Earl (Malmesbury) had stated, that he should move the postponement of the second reading of this Bill till another Session. When the order for reading it on that night was discharged, the noble Earl might have taken that course, as he had himself admitted; and he confessed that he saw no reason why the noble Earl should not adopt the same proceeding now, without giving the noble Earl (Earl Grey) any trouble whatever in opening the measure to the House. Why should he not now at once move that the measure be postponed till the next Session? He thought that this postponement was of very great public importance under the present circumstances of the country, no matter whether the late Government was re-constructed, or a new Government formed. He repeated, that it was the interest of any Government that ruled in this country, under whatever circumstances it might be formed, that some amendment should be made in the principle of this Bill, and that as soon as possible. Under these circumstances, he was most anxious that the noble Earl (Earl Grey) should either state the grounds of his Motion, and that the question should be then postponed, or, on the other hand, that the noble Earl (Earl Malmesbury) should take the equally convenient course, that of laying before the House his reasons for putting off the second reading.

The Duke of *Buckingham* said, this Bill was so very important, affecting as it did the rights and property, as well as the feelings of the landed proprietors of the country, that it ought not to be proceeded with till the formation of a responsible Administration. He hoped, therefore, that it would be postponed till a proper Administration was formed.

Earl *Grey* said, he knew very well that a great difficulty existed in bringing forward a measure of this kind, which he admitted to be highly important, when there was no responsible Minister present. At the same time he must say, that no particular responsibility rested on him, any further than would rest upon any one of their Lordships who, in his individual capacity, might think proper to introduce a particular measure. He was now, after what had been said, very much inclined to assent to the proposition of the noble Marquess, that this discussion should be deferred till the Government was reformed. The noble Duke and the noble Earl opposite had stated, that the material part of this Bill related to the appointment of the Commissioners. That it was a most important part of the Bill, he admitted. To them must be committed powers of a very extensive and extraordinary kind, and on their proper execution of the duties confided to them under this Act a great degree of its success must depend. It was undoubtedly essential that the persons who would have the recommendation of the Commissioners should be those in whom Parliament and the country had the fullest confidence, that they should be influenced by no private motive whatever, but look only to the qualifications of the individuals, and their competence to discharge the most important trust to be committed to them. He felt the full weight of the observation which he made, that the country should know who those persons were that were to be selected; but as to the suggestion, that the names should, in the first instance, be introduced into the Bill, to that he felt very considerable objection, because he thought it would be rather invidious to discuss the merits of individuals in that House. In his opinion, the power of appointment should be vested in the Crown, on the responsibility of Ministers, and therefore he did not like that insertion of names which the noble Baron had proposed. Having said this much, he would not object to the discussion on the Bill being postponed, so far as the second reading was concerned; but he would suggest, that it would perhaps be better to decide the question, whether the second reading should be proceeded with or not on the proposition of the noble Earl opposite. If the discussion were not then to come on, the Question must be deferred till a new Administration should be formed.

The Earl of *Malmesbury* said, that his object was, to have moved an Amendment on the second reading of the Bill, and he did not see why he should be removed from the station he had intended to occupy. He had stated some days ago what his intention was, and he would say that every day during which their Lordships refrained from proceeding with this Bill added force to his original objection —namely, the shortness of the time allowed for carrying it. The proposition which he meant to move was, "That it is the opinion of this House that at this late period of the Session a measure so new in principle (he would not use a harsher expression), so deeply involving the interests of all classes of the community, and so voluminous and complicated with respect to its enactments, should be left to the consideration of the Legislature in the next Session of Parliament." It was not his intention, in submitting his proposition, to take the lead in the question; he did not see that he had any right to pursue such a course, and he had his own reasons for not doing so. He knew not why he should be brought forward merely to compel him to make a display of his opinions on this important subject. He should say a few words as an apology for having touched on the question at all. He might, and did feel, that some legislative alteration was necessary with respect to the Poor-laws; but was it necessary, because some alteration was called for, that such a wide, sweeping, unconstitutional measure as this should be introduced? He asserted that it was not. If he were ill in a common way, would he take some of those violent medicines extracted from poison, that destroyed oftener than they cured? Would he not resort to a more lenient mode of treatment, instead of adopting a supposed remedy which put him to a still greater risk than he was subjected to at the beginning of his distemper? Wise men never had recourse to such violent remedies. Many evils he admitted were to be found under the existing system, but they were not to be cured by appointing a number of Commissioners, who were to have the whole administration of the Poor-laws in their own hands. Besides, they ought to inquire whether such an Amendment had not taken place in the Administration of the Poor-laws as ought to make them pause at least before resorting to such a measure as this. He had himself presented four or five petitions that evening, stating that an amelioration had taken place in the administration of those laws, and a noble Lord near him had presented petitions stating the same thing. The petitioners deprecated the interference—the unconstitutional interference—of this prospective triumvirate, who were to have a power extending from the wealthiest parish of this great metropolis to the most humble hamlet in the kingdom. Surely such a power as this was unnecessary; and if there were a doubt about it, time ought to be taken to ascertain the fact. Now, a great many months could not pass between this and the next Session of Parliament, and in the mean time let every Member of that and the other House take counsel with his neighbours, rich, and poor, high and low, and hear their opinions on the subject. Let them do this, and then they would know what the real feeling of the country was. He would venture to say, that not one man in 100, even of those who had paid some attention to this measure, could say that he understood the Bill. An adjournment of the second reading was then necessary, in order that they might hear the opinions of every class of people throughout the country. They were not to take their opinion from the mere reports of overseers, but from highly respectable men, and there were many such in this town, who had studied the subject, who had practically studied it, and who best knew what alteration was wanted in the law. There were three parties concerned in the question, perhaps he should rather say two parties, for the third party, the Magistrates, who he would say had been most indecorously treated under the Bill, were less affected by the measures than the other two. The two great bodies affected by it were the landed proprietors and the poor. As the law now stood, the rate-payers raised their own money, and they had an opportunity either of laying it out themselves, or seeing how it was laid out. That was the right and just principle; but by this Bill that principle was overturned. The Commissioners in a very great measure superseded the functions which formerly were placed in the hands of parish officers. He thought this a most objectionable clause. He would not go into the details of the question, but, nevertheless, wished to state that his prime objection to the Bill was, that it provided no effectual mode of appeal of which the poor man could avail himself against the overseer for refusing to afford him relief. It could not be denied that there were such things in the world as harsh and grinding overseers. In the Report of the Poor-law Commissioners Mr. Chadwick stated, that he found four overseers in thirty-four to have acted harshly. What could the poor man do in the event of his falling into the hands of one of these cruel overseers? Formerly the poor man went to the neighbouring magistrates for relief, but now, under the Bill, he goes to Squire A for the purpose of being righted, and finds that the squire has no power to help him. He is told that he must go to the Commissioner, but the poor man would not know what a Commissioner meant, or where to find one. Even if he were more enlightened on this point, there were now so many commissions and commissioners on such a variety of matters, that the poor man could not tell which to go to. His present court of appeal was done away with—he was referred from authorities with which he was familiar, and in which he reposed confidence, to a strange tribunal. The whole power and authority was vested in a triumvirate, such as had never before existed in this country. He objected to the proposed system, and was therefore induced to contemplate the Resolution which he had read to the House as an Amendment on the Motion for the second reading of the Bill; however, as it was not intended to press the Order of the Day, he declined moving his Resolution in the present state of things. He wished to observe that he thought it quite too late in the Session to proceed with the Bill. To attempt to carry such a measure through at this period would be an impracticable task, and so their Lordships would find it, if they persevered. This was the 11th of July, and allowing a reasonable time for the formation of a Ministry, and an interval in the way of notice of the second reading, that stage could not be proceeded with till the end of the month, when it would be too late to enter upon the consideration of a measure so important. If he were in favour of the Bill, he would propose that it should be sent to a Committee up stairs, where the numerous clauses of so complicated a measure could be properly sifted and examined, and where their Lordships would have the advantage of the attendance and valuable suggestions of many Peers who were not in the habit of taking a prominent part in discussions in the House, but who could nevertheless afford most important assistance in a Committee above stairs. A measure like this could not be properly considered in a Committee of the whole House, which was little better than chaos. It would be impossible in such a Committee to discuss and shape the clauses of the Bill in a satisfactory manner, and it was too late to send the measure to a Committee up stairs. If this were the 11th of May, instead of the 11th of July, it might be possible to send the Bill up stairs, but that could not be done now with any prospect of success. Were their Lordships prepared to continue sitting upon the Bill till the end of September? The House appeared disposed to wait till an Administration should have been formed, an event which, in the present state of things, was not likely to occur very speedily; here, then, was an indefinite postponement of the Bill—a delay, probably, of a full fortnight—and after the formation of a new Ministry notice must be given of the second reading. He contended, that under such circumstances it was impossible to proceed with this Bill to any good purpose; their Lordships could never get through it in the present Session, and therefore they had better postpone it *ad Græcas kalendas*. However, as he had before said, he certainly should not now bring forward a resolution which he meant to propose as an amendment on the second reading of the Bill, which was to be postponed to an indefinite period. He had nothing further to add, having, in explaining why he could not consent to move his resolution, already trespassed on their Lordships' time longer than he intended.

The Duke of *Richmond* said, it was because there had been a report of the Poor-law Commissions, because there were a great many parishes where the recommendations contained in that report were beginning to be carried into effect, and because he felt the necessity of having an Act of Parliament to determine what ought, and what ought not to be done—it was for these reasons he was anxious to pass the present measure. In fact he was afraid unless they passed the Bill, that the overseers would on their own authority attempt to carry most of the suggestions into effect, and might, from wanting the authority of law, do a great deal of mischief. There were some clauses of the Bill which he did not approve of, nevertheless he was desirous of proceeding with it, because it would carry the indispensable alterations gradually into effect, while the overseers would, if they were left to themselves, precipitate matters. The noble Earl appeared to be afraid, that if the overseer refused relief, the pauper would have no opportunity of appeal or redress, but the noble Earl was mistaken in this; the guardians of the poor could place the pauper in the workhouse if they thought fit, and therefore the pauper need not seek the Commissioners in London, he could apply for redress to the guardians of the poor. Although the noble Earl would not make a motion for the postponement of the Bill, he had taken the opportunity of canvassing and censuring some of its details, which was hardly fair to its supporters, who could not regularly go into the subject. He was disposed to suggest that the Bill should be postponed for a certain time—say a week; and if an Administration should not be then formed, the House could take the subject into consideration. He objected, however, to a postponement of the measure till next Session, on account of the evils that must arise from delay.

The Earl of *Winchilsea* agreed with the noble Duke as to the evils that would result from postponing the Bill till next Session, and complained of the unwarrantable efforts of the press to prejudice the public mind by false statements of the principle and effects of the measure,—efforts which he was sorry to see backed by individuals in other quarters who ought to have known better. He was prepared to support the second reading of the Bill, without pledging himself to all its enactments. He thought that, in justice to the labouring classes, such a measure was required: as to its effect in diminishing the pressure of the present burthen on the land, that was altogether a secondary consideration with him: the welfare and happiness of the humbler ranks was the main thing. He thought that many parts of the Bill, such as those which threw open the market for labour, and did not confine men to the parishes of their birth, ought to be passed for the sake of the labourers themselves. It was mainly owing to the mistaken views and conduct of those interested with the administration of the Poor-laws that a system founded upon principles of Christian charity and benevolence had been converted into a curse, instead of a benefit to the people. A distinction ought to be drawn between the honest and industrious labourer suffering under the pressure of accidental difficulties, and the idle and improvident, who were the authors of their own misfortunes. When this was not done, could it be matter of surprise that the independent spirit which formerly existed among the peasantry should be destroyed? The idle and industrious, the profligate and the provident, were treated alike under the present system. Where then was the advantage or encouragement held out to industry, good conduct, and independence? This was a question of the greatest consequence, as concerning the welfare and happiness of the people; it deserved to be entertained without reference to party views or clamour; and he trusted their Lordships would enter into the discussion solely with a view to what might be most consistent with justice and most advantageous to the country.

The Marquess of *Salisbury* must say that, in his opinion, the Bill would require very considerable amendment. He thought, however, that in the event of the Bill reaching the Committee, it might not be impossible to adopt such amendments as would soften down its harsh parts, while they retained all that was good. He wished to proceed with the measure at once, and trusted that the noble Earl would recall his intention of postponing the discussion.

The Earl of *Harewood* fully concurred in what had been said as to the importance of this measure, and regretted that circumstances had occurred to render it necessary to delay it. At the same time while he admitted the importance of pushing the matter as much forward as possible, he could not agree with the noble Duke (Duke of Richmond) in the opinion that a delay of a few months could possibly make such a difference as he appeared to suppose, more particularly as instead of abuses in the management of the Poor-laws being now on the increase, it was acknowledged that they had actually diminished. Therefore he did not feel an immediate pressure in reference to the subject, and could see no danger in delay. He would not advocate a postponement of the Bill, were it not for the occurrence of particular circumstances, which, as appeared to him, would prevent it from receiving due consideration. An Administration could not be changed, particularly under circumstances like the present, without the minds of individuals being in a very great degree occupied with what was passing in relation to that matter. People's minds would not be in that state which was desirable in dealing with a measure such as this. At the present period of the Session, the Bill, if proceeded with, would be left in the hands of a few Peers in Committee, which could not fail to be attended with serious disadvantage. If called on to vote on the principle of the Bill, he should have no hesitation in opposing it, because it was not confined to an amendment of the Poor-laws simply, but professed to be an Amendment of the Poor-laws under the control of Commissioners. With regard to other enactments of the Bill, there were many that might be attended with advantage, but though he believed the plan might be more complete if placed in the hands of Commissioners appointed by the Crown (he meant more complete in point of power), he thought such a system exposed to objections of a serious nature, and could not vote for that principle of the Bill, which went to administer the Poor-laws by Commissioners. Under all the circumstances of the case, he was favourable to a postponement of the Bill till the next Session, not thinking that there was sufficient time or a favourable opportunity for considering it in the present.

The Order of the Day for the second reading of the Bill was discharged, and the Bill postponed.

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HOUSE OF LORDS,

Monday, July 14, 1834.

MINUTES.] Petitions presented. By Earls NORTHESK and ELDON, Lords FARNHAM, ROLLE, KENYON, and the Bishop of LONDON, from several Places,—for Protection to the Established Church, and against the Claims of the Dissenters.—By the Duke of GLOUCESTER, and the Earl of HADDINGTON, from several Places,—for Protection to the Church of England and Ireland.

THE MINISTRY.] The Earl of Shaftesbury moved the adjournment of the House.

The Earl of *Haddington*, before the House adjourned, wished to ask the noble Lord opposite, or the noble and learned Lord on the Woolsack, whether there was, or was not, at this moment, a Government in existence? There very naturally prevailed in their Lordships' minds, and in the minds of the country at large, a strong anxiety to receive some information on this subject. He trusted, therefore, that their Lordships would feel with him that he had not acted prematurely or uncourteously in not allowing any private feeling to prevent him from putting this question? If an Administration had not yet been formed, he wished to know whether any noble Lord or any right hon. Gentleman had received his Majesty's commands to form one?

Viscount *Melbourne* said, it was almost unnecessary for him to state to their Lordships what must already be known to their Lordships from report—namely, that on the dissolution of the late Government, he was desired by his Majesty to attend him for the purpose of advising and consulting on the formation of a new Administration. As soon as that wish was expressed by his Sovereign, he of course obeyed it; and the respect which he owed to their Lordships would induce him, when the business had assumed a proper shape, to lay the necessary information before their Lordships. He trusted their Lordships would feel, as no declaration had been made on the subject up to the present moment, that the arrangements were not yet in such a state as would justify him in making any communication to the House. He had already stated, that his Majesty had honoured him with his commands to lay before him a plan for the formation of a new Ministry—such a Ministry as should appear to him to be competent to carry on the business of the country efficiently at the present important crisis. He had undertaken the task; but as it was not concluded, their Lordships could not expect him to make any disclosure on the subject. He might, however, be allowed to observe, that he should not discharge the duty which had been confided to him, without securing the co-operation of his noble friend the Chancellor of the Exchequer, and the sanction and approbation of his noble friend who was lately at the head of the Government. He had nothing further to add, except to assure their Lordships that it was impossible for them to be more sensible of the incapacity of the individual to whom this difficult and delicate task was intrusted than he was himself. Nothing but the deep feeling which he entertained of gratitude and duty towards his Sovereign, and a knowledge of the extreme difficulty in which both his Sovereign and the country were now placed, could have induced him to act on this occasion.

Their Lordships adjourned.

HOUSE OF COMMONS,

Monday, *July* 14, 1834.

Minutes] Petitions presented. By Lords Robert Manners, Eastnor, and Ossulston, Sir James Scarlett, Sir Robert Inglis, Sir Ralph Lopez, Colonels Jolliffe and Verner, and Messrs. Mostyn, A. Pelham, George Heathcote, and Finch, from a Number of Places,—for Protection to the Established Church.—By Sir Edmund Hayes, Sir Ralph Lopez, Colonel Jolliffe, and Mr. A. Pelham, from several Places,—against the Separation of Church and State.—By Sir R. Inglis, and Lord Eastnor, from two Places,—against the Universities' Admission Bill.—By Mr. J. Oswald, and Mr. T. Duncombe, from several Places,—against the Church-Rates Bill.—By Mr. R. N. Shawe, from Suffolk; and by Lord Robert Manners, from Ashby-de-la-Zouch,—for Relief to the Agricultural Interest.—By Mr. Feargus O'Connor, from Kilrush, for Poor-Laws to Ireland.—By Mr. R. Oswald, from Saltash, against the compulsory Support of Church Establishments; from Stewarttown, for Relief to the Dissenters; from the Hand-Loom Weavers of Newenilus, for a Board of Trade.—By Mr. Plumptre, from Freshford, against compelling Protestant Officers and Soldiers to attend Catholic Ceremonies.—By Mr. Marryatt, and Mr. P. Thomson, from the London Dock Company; and from Kingston-upon-Hull, against any Alteration in the Warehousing Act.—By Mr. H. Handley, from Gosberton, against compulsory Payments for Supporting a Church Establishment.—By Mr. Forster, from London and Birmingham, against the Sale of Beer Act Amendment Bill.—By Mr. T. Dundas, from York, against the Friendly Societies Bill.

Church Rates and Land-Tax.] Mr. *Thomas Duncombe* presented a petition from Claremont Chapel, Pentonville, against the Church-rates Bill; also a petition to the same effect from the parishes of St. Andrew, Holborn, and St. George the Martyr. The latter petitioners stated, that they would not object to the principle of the Bill, provided an equalization of the land-tax was first made throughout the country, but without such equalization the Bill would operate most oppressively on the parishes whose affairs were intrusted entirely to their own hands, because the assessments under which the land-tax is collected have been in force ever since the reign of William and Mary, and as they were confirmed by the statute of 38 Geo. 3rd, c. 5, passed in the year 1798, which made the land-tax perpetually subject to redemption, no alteration could be made in them except by Parliament. The consequence was, that districts and towns scarcely known in the reign of William and Mary, but by various alterations and improvements since become extremely populous and wealthy, contributed the same towards this tax which they did 150 years ago, and much less than places at present of comparative insignificance. Thus, the sum levied annually on account of land-tax upon the city of Westminster was 63,092*l.*; upon the county of Lancaster (including Liverpool, Manchester, Preston, and several other large towns), 20,989*l.* 14*s.* 6*d.*; upon the city of London, 123,399*l.*; upon the county of Sussex (excepting a few of the Cinque Port towns, but including Brighton, Lewes, Chichester, and several other large towns), 57,560*l.*; upon the town and port of Rye, in Sussex, 473*l.* 18*s.*; upon the town and port of Hastings (now six times as large as Rye) 378*l.* 6*s.*; upon the city of Bath, 433*l.* 6*s.*; upon the town of Winchilsea (in which there are now not more than forty or fifty houses inhabited), 405*l.*; upon the parishes of St. Andrew, Holborn, above the bar, and St. George the Martyr, whose rental is about 116,000*l.*, 9,018*l.*; upon the parish of St. Marylebone, whose rental exceeds 720,000*l.*, 492*l.* They further stated, that the necessary result of this anomalous mode of collecting a tax was, that while some places were paying more than 3*s.* in the pound towards land-tax, others contributed scarcely anything. That the parishes in which the petitioners reside pay 1*s.* 10*d.* in the pound; the parish of St. Paul, Covent-garden, 2*s.* 4*d.* in the pound; several parishes in the city of London more than 3*s.* in the pound; the parish of St. Marylebone a farthing in the pound once in three years. That, contrary to every just principle of taxation, in proportion as places became decayed and less able to bear the necessary burthens of the State, the land-tax became heavier and more oppressive, and in proportion as places became rich and populous, their assessment became lighter and less burthensome. That, at present, the parish of St. Marylebone raised from its inhabitants such a church-rate as might be necessary for the purposes of its several churches; whereas, if the proposed Bill should pass into a law, the petitioners, with the rest of the community, would in effect be required to pay the church-rates of that parish, from the burthen of which its inhabitants would be almost wholly relieved, and the decayed parishes of the city of London would, in like manner, be required to exonerate the rich and populous towns of Liverpool, Manchester, and Brighton.

Petition laid on the Table.

The Ministry.] Lord *Althorp:* I rise, Sir, to move, that the House at its rising shall adjourn to Thursday next. I have to state to the House, that my noble friend, Lord Melbourne, has received the commands of his Majesty to lay before him a plan for forming an Administration. That being the case, I hope the House will feel that the same reasons, which on a former occasion, induced them to make a temporary adjournment, ought also to induce them to consent to my Motion for adjournment to Thursday next, by which time the state of the Administration will be laid before the King.

The House adjourned.

HOUSE OF LORDS,
Wednesday, July 16, 1834.

Minutes.] Petitions presented. By the Duke of Gloucester, and the Earls of Feversham and Combermere, from several Places,—for Protection to the Established Church.—By the Earl of Harrowby, from Stokeley and Reading, against the Poor-Law Amendment Bill.—By the Earl of Cloncurry, from several Places, for the Abolition of Tithes; from other Places, for the Repeal of the Union; and from one Place, for Poor-Laws to Ireland.

The Administration.] Lord *Ellenborough* called their Lordships' attention to the fact, that the Irish Coercion Bill was appointed for the third reading, but no day had been named; and he wished to know, whether any member of the Administration (if an Administration had been formed) meant to make a statement of the views of Government with respect to that measure?

The *Lord Chancellor* answered, that his noble friend (Viscount Melbourne), who was not then in his place, would be present to-morrow, and would then answer the question. He had left his noble friend at the Palace in the morning, and a Government had been formed.

The Marquess of *Londonderry* wished to know, with reference to what had recently been stated by the noble and learned Lord on the Woolsack, whether a noble Viscount, a Member of the other House, still retained his place in the Administration? A noble Earl (Earl Grey) had, on a former occasion, described him as the right-hand of the Government; now, he wanted to learn whether that right-hand had come back to the old body? As the noble and learned Lord had, on this occasion, afforded them some information with respect to the Ministry, perhaps he would answer this question.

The Duke of *Richmond* was of opinion, that it was extremely inexpedient to put such a question to his noble and learned friend on the Woolsack at the present moment. He did not think, that it was acting fairly to his noble and learned friend, particularly when it was known, that the other House had adjourned till to-morrow, at which time the noble Lord, who had been alluded to, would, of course, make his own statement.

The *Lord Chancellor* did not think it a very logical inference on the part of the noble Marquess, that because he had given one piece of information, he was, therefore, bound to give another. He had, however, no objection to say, and he should be very sorry if he could not say, that his noble friend to whom allusion had been made was still Chancellor of the Exchequer; and he entirely agreed in the statement of his noble friend who was lately at the head of his Majesty's Government, as well as in the observation, however meant, of the noble Marquess himself, that in whatever Administration his noble friend, the Chancellor of the Exchequer, was placed, he must still be looked on as the right-hand of that Administration. He (the Lord Chancellor) could not fancy any Administration of which his noble friend should be a Member, that would not think him worthy of that appellation.

Lord *Ellenborough* agreed with the noble Duke (Duke of Richmond) as to the inexpediency of making any observations on the subject, but he thought it was proper that the fact of the noble Lord (the Chancellor of the Exchequer) retaining office, should be known.

The Marquess of *Londonderry* said, the noble Viscount (Viscount Melbourne) had on a former evening stated, that he had sought the co-operation of the Chancellor of the Exchequer in forming an Administration, but he had not said, that that noble Lord was to be replaced. In fact, that noble Lord had stated elsewhere that he had positively resigned.

The Duke of *Wellington* said, the noble

Lord, the Chancellor of the Exchequer, had tendered his resignation, but had not formally resigned.

The *Lord Chancellor* observed, that what was commonly called resigning was tendering a resignation, but it was not formally accepted until a new appointment was made.

The Marquess of *Londonderry* said, the noble Viscount had himself declared in the other House, that he had given in his resignation, that it was received, and that the Government was virtually dissolved.

The *Lord Chancellor* wished once more to set this matter right. His noble friend in the other House, did not say, that the Government was virtually dissolved. What he said was, "that he understood, that at that time, or before that time (when he was addressing the Commons), his noble friend (Earl Grey) had stated to this House, that the Government was virtually dissolved." That was, however, altogether a mistake, arising from misinformation, for the noble Earl had never, in the whole course of his statement, said any such thing.

Here the conversation ended.

HOUSE OF LORDS,

Thursday, July 17, 1834.

MINUTES.] Bill. Read a third time:—County Rates.

Petitions presented. By the LORD CHANCELLOR, from the Faculty of Advocates in Edinburgh, for postponing the Passing of the Scotch Bankruptcy Bill.—By the Earl of WICKLOW, from the Shareholders of the London and Westminster Bank, for permission to sue and be sued, in the Name of one of their Body.—By Lord WHARNCLIFFE, from Liverpool, in favour of the Liverpool Court of Passage Bill.—By the Duke of RICHMOND, from the Medical Practitioners of Lincoln, against the County Coroners' Bill.

RELIGIOUS ASSEMBLIES.] Lord *Suffield* moved the second reading of the religious Assemblies Bill, which, he thought, would be an advantage, not to the Dissenters, but to the Church. As the law at present stood, no one could legally assemble in his House more than twenty persons, to perform divine worship; a restriction which operated more against Churchmen than Dissenters. He hoped their Lordships would allow this Bill to go into Committee, for to its principle he thought there would be no objection. In the Committee he should propose to introduce a clause applying the Bill to the colonies, where it would be particularly useful in the new condition to which the slaves were now about to be placed. To promote that part of the measure he relied with some confidence on the assistance of the right reverend Bench.

The Bishop of *Exeter*, in consequence of being called on by the noble Baron, felt himself bound to make a few observations upon the Bill. It was in direct opposition to one of the most important doctrines of the Church of England. The noble Baron had confined himself to topics not in the Bill, and had told their Lordships, if they would only allow it to be read a second time, he would introduce a clause which would make it applicable to the Colonies. The Bill, as it at present stood, was applicable to the state of religious worship in Great Britain and Ireland. If, therefore, their Lordships consented to read the Bill a second time because the noble Lord had promised to introduce a clause that would make it applicable to the colonies, they would be consenting to its second reading, without an atom of argument adduced in its favour. As it at present stood, it affected entirely the mode of religious worship in this country; it applied only to the realm of England and Ireland. The clause to which he now wished particularly to direct their Lordships' attention was this: it declared that in future it should be lawful for any persons to hold religious meetings, consisting of more than twenty persons, at their houses; "and also for any person to teach or preach at any such meeting, without taking any oath, subscribing any declaration, or being otherwise licensed so to do." He was fully convinced, that this Bill had been introduced into the other House of Parliament, and was now brought here, by those who entertained the best intentions towards the Established Church, and who wished to do their utmost to procure it every advantage in teaching its doctrines; and this Bill, so introduced, went to enable any person whatever to set up as a religious teacher. He was quite ready to admit, that there was wanting some Bill to give facilities that did not now exist for the teaching of the doctrines of the Church within the realm of England; but he must say, that he did not think this Bill calculated to effect that object. It could hardly be said, that the Dissenters looked to this Bill as a relief of any of the grievances of which they complained, for among all these grievances he had never heard that of the difficulty of obtaining a license. In fact, for the sum of 1*s.* any Dissenter might obtain a license to preach to as many persons as pleased to assemble in his house, and for the sum of 2*s.* 6*d.* any preacher of a dissenting congregation might have his license continued. He objected to this Bill because it was directly opposed to the 23rd article of the Church of England, which declared that it was not lawful for any man to take upon himself the public teaching of the doctrines of the Church, unless he was lawfully called and sent thereto, by which it was meant the being chosen and sent by men who were lawfully authorized for that purpose—namely, the Bishops of the realm. That was one of the fundamental articles of the Church, as united with the State, and had always been so considered, and he believed that when (as, for instance, at the Union with Scotland) the constitution of the country in Church and State was declared to be preserved "unalterable," these articles of the Church were considered to form part of that Constitution. He would most anxiously lend his aid to any measure calculated to advance the cause of religious freedom. The present Bill, however, was incapable of Amendment. It was thoughtlessly drawn up, and passed through its stages in the other House at a late hour of the night, considerably after midnight. It was now too late a period of the Session to introduce a new Bill or amend the present, and he therefore felt himself compelled to move that it be read a second time that day six months.

The Earl of *Wicklow* said, that he should support this Bill, because, on looking to Ireland, where the funds of the Church were daily diminishing, and the support of the Church was less and less provided for, he did think that the time was fast approaching when, if it was meant to have religious worship there at all, they must look to have that worship performed in private houses. At the same time, he thought the clause adverted to by the right reverend Prelate was more objectionable; but if the Bill went into a Committee, he would move to omit that clause.

The Bishop of *Derry* thought, it was his duty to sustain the authority of the Church in Ireland, which, by the enactments of this Bill, would be rendered altogether a nullity. If this Bill were passed, any man might conduct himself as he pleased in preaching to his congregation; if called to account by the Bishop, he might set the Bishop at defiance, by establishing, without control or check, a congregation of his own in any House that he might hire for the purpose. He could not consent to have the proper control of a diocesan over his clergy reduced to nothing.

The *Lord Chancellor* said, that whatever might be the opinions of their Lordships as to this Bill, there could be but one opinion as to the temper of the observations of the right reverend Prelate who had just addressed the House, and of the right reverend Prelate who spoke first. He must, for himself, confess that he felt great difficulty in the situation in which he was now placed, as he was perfectly sensible of the grievances complained of, and which this Bill sought to remedy, as he was aware of the great respectability of those by whom the Bill had been introduced; so that on the one hand there was almost enough to lead him to sanction the call made on their Lordships to pass this Bill, while, on the other hand, there were difficulties by which he was compelled, though with great reluctance, to say, that he could not concur in the Motion of the noble Baron. It did, at first sight, appear anomalous that where there was a wish to patronize efforts in favour of the Established Church, and to give facilities to those who desired to extend the knowledge of its forms of worship, it did appear anomalous that a disability should be continued by the persons feeling this wish, a disability which affected the members of the Church principally, so that they could not have a prayer-meeting, according to the forms of their Church, in their own houses. But a little reflection would show, that that anomaly was more apparent than real. Because if it were allowed to Churchmen to have as many meeting-houses as they pleased, according to the rites of their own Church, the consequence would be a defalcation from the service of the Established Church. In fact, Church going, which it was the object of all to encourage, would be reduced; for if men could remain at home instead of going to Church, and yet enjoy the same form of worship, they would of course prefer it to the trouble of walking some distance to Church, and would lose the Church-going habit, which was in itself good; good for the labourer, as it took him once a week into a place where he met in common society the classes superior in life to himself; and good to the higher classes, as it made them come weekly into contact with their fellow-Christians in the same Church, and kneel with them in the same form of worship, a matter which those who had best considered the subject had always deemed a public advantage. He knew, too, that was the opinion of those from whom the Bill proceeded, for they were sticklers for public worship, though they did not go so far as Johnson did in speaking of one of the greatest of our poets that a man in neglecting public worship, neglected all religion. As this Bill would tend to diminish public worship, he objected to it, and on the whole must declare himself adverse to the second reading; but he hoped and trusted the next Session would not be allowed to pass without some measure of relief to Churchmen, free from the objections which, in the present Bill, he considered insuperable. He should be heartily glad to give his support to such a measure. He hoped, that the reasons he had advanced against now passing the measure would be deemed satisfactory, particularly as to the colonies.

Lord *Suffield* said, that the clause he had proposed to introduce, was suggested by a letter from a Church missionary in Jamaica, who found himself in a worse situation there in consequence of the present law than were the Dissenting missionaries.

The Earl of *Mulgrave* said, that that letter was a singular instance of the defect of the law, in consequence of which Church missionaries laboured under much disadvantage in Jamaica. Had he remained there, it was his intention to propose to the Assembly some change of the law on the subject.

The Second Reading was negatived without a division.

SUPPRESSION OF DISTURBANCES (IRELAND)—MINISTERIAL EXPLANATIONS.] Lord *Ellenborough* wished to learn from the noble Viscount opposite, what day he meant to fix for the third reading of the Suppression of Disturbances Ireland Bill?

Viscount *Melbourne* said, he did not mean to mention any day; but he thought it fair and candid towards their Lordships, to state, that it was the intention of his Majesty's Ministers to introduce into the other House of Parliament, a Bill having for its object the Suppression of Disturbances in Ireland, omitting certain clauses that formed part of the present Bill. Ministers did not intend to proceed with the Bill on their Lordships' Table.

The Earl of *Wicklow* said:—My Lords, since I have had a seat in this House, I never have heard an announcement from a Minister of the Crown with greater astonishment than the one just made. Is it possible—is it credible—is it to be supposed, that after a Minister who, but a fortnight, nay, not ten days ago,—then at the head of the Government, came down to this House, and stated, in the most energetic and determined manner, the absolute necessity for the preservation of Ireland, that this Bill should pass—the noble Lord who now stands at the head of Government, being then Secretary for the Home Department—whose duty it was, to impress on his Majesty's Government the necessity for this measure, and the noble and learned Lord on the Woolsack stated his concurrence in the measure. My Lords, the noble and learned Lord may smile—it will be well for the noble and learned Lord, if his character, if his future fame and reputation are regarded in the eyes of the country in such a manner as will give him reason to smile at his conduct on this occasion. Is it to be permitted, my Lords, that this House should be so lightly dealt with, after such a statement, now to have the noble Viscount completely turning round and changing the course of the Government and the House? Such a degree of inconsistency, of political tergiversation, of total, unblushing abandonment of principle, never, I verily believe, was exhibited by any set of public men in either House of Parliament. Noble Lords opposite may be satisfied, it may suit their views and convenience to retain their places at whatever sacrifice, and to throw overboard, not only their principles, but the well-being and peace of the country; although, my Lords, I say this may suit their convenience, yet I say this country, and more particularly Ireland, will look with a degree of alarm to the situation in which we are placed. My Lords, if his Majesty's Government had stated, during the early progress of this measure, that they did not believe that a measure of this kind was necessary, I should have been contented to trust the maintenance of peace to the same individuals; but when we find the whole Cabinet declaring their unanimity of opinion that the Bill was absolutely necessary,—I say, it is a degree of political baseness, and a degree of desertion of principle that has not been witnessed in this country since the Revolution, and which, I believe, will create the greatest alarm and astonishment throughout the empire. It is only a few nights ago, that the noble Earl, then at the head of the Government, stated, or at least insinuated, that he had been grossly and basely betrayed by some hon. member of the Administration. Well, then, I say, it is due to the present Administration—composed, as it is now, of the same individuals—I say, my Lords, it is due to their honour and integrity, that the individual to whom that noble Earl alluded, should be held up to universal scorn. In an early part of the Session, when, with regard to a portion of the Irish constituency, it was stated that an individual had acted like a traitor—all knew what course was pursued. Every man insisted on the Minister of the Crown declaring to whom that allusion was made; and the same course ought to be followed with regard to the present Government. A statement had been made by the noble Lord who was lately at the head of the Administration, that he had been betrayed—that an individual had clandestinely, and without his knowledge, communicated and corresponded with others with respect to the Government of Ireland; and in consequence of that, the noble Earl was obliged to abandon his post. It is due to the honour of the Government, that the individual who has so acted, should be pointed out. I have risen, my Lords, with more than usual surprise, and have expressed myself with more than usual warmth; but when it has been declared by those to whose guidance the welfare of the country is intrusted, that they mean to abandon that measure which, a few days ago, they said was absolutely necessary, there was every excuse for speaking with more than usual warmth, as no hope or confidence could be placed in them.

Lord *Wharncliffe* said, when Ministers recommended to their Lordships to extend the duration of this severe act, they declared that nothing could justify such a proceeding but the extreme necessity of the case. They stated, that their feelings were opposed to it, but that their duty compelled them to bring it forward. Accordingly, the Bill was introduced; that clause which related to courts-martial having been omitted. No objection was made to that alteration, because Ministers stated that they had good grounds for leaving it out. With respect to certain other clauses, they had been told by the noble and learned Lord on the Woolsack, that it would be most unjust to pass a Bill of this description, without those clauses. What, then, was the situation in which they now stood? Why, they were given to understand, that a Bill was to be introduced elsewhere, excluding those particular, and, as they had been told, most necessary, clauses. How, then, could the noble Viscount think, that their Lordships were to be thus turned round, without observation or remonstrance? Were they on one day to be called on to pass a Bill, and on another day to be required not to pass the same Bill, without any reason having been assigned for such an alteration?—without any history having been laid before them with respect to the transactions which had taken place, connected with so great a change? All that their Lordships knew of the business was this:—First of all they were told, that in the month of April application was made by the Lord-Lieutenant of Ireland for a Bill to renew the expiring law; and his Lordship was described as entertaining a very strong opinion in favour of the measure. Afterwards, in the month of June—the 20th of June, he believed—in consequence of some communication from a Member of the Cabinet—[The *Lord Chancellor:* No.]—Certainly he so understood it—but, at all events, some person connected with the Government here, made a communication to the Lord-lieutenant of Ireland; and in consequence of that communication, which referred, not to the state of Ireland, but to the situation of parties in this country, the Lord-lieutenant had said, on re-consideration, "Well, if by taking this course you gain the end you speak of, we shall endeavour to do without those clauses." The noble Earl, then at the head of the Administration, referred again to the Lord-lieutenant; and he, having once more considered the subject, stated it to be his opinion that it was necessary to pass the Bill with those clauses. It would be wrong for that House to force any measure of this description on Ministers. But Ministers, under existing circumstances, were bound to tell their Lordships, not only their reasons for their present conduct, but they ought also to lay before the House a full statement of everything which had taken place with respect to the subject. He admitted the justice of the argument made use of by a noble Lord on a former night, that the House had nothing to do with the intermediate steps which Ministers might have taken with reference to any measure, if it were ultimately passed. But if, after a measure was brought in, and forwarded to an advanced stage, their Lordships were told to veer about, and not to pass it, by nearly the same persons, too, who had introduced it, the case was extremely different; and a public communication of the facts which induced the change of opinion became necessary. Under these circumstances, he must say, that if the Bill were brought up from the other House without these clauses, he would not allow it to pass through one stage, without endeavouring to re-instate them.

The *Lord Chancellor* said, that having been alluded to by the noble Earl in no very measured language—language, however, at which he was not astonished—language which he received with the most perfect calmness, and, without meaning any disrespect to the noble Earl or to their Lordships, with the most entire indifference; facts had been assumed, and conclusions had been drawn, that astonished him as much, if not more, than any assertions he had ever heard made in that House. It was said before a House gifted with a correct recollection, he apprehended, of what had passed there a few days before,—it was ventured to be said, in the presence of the colleagues of the noble Earl who was lately at the head of his Majesty's Government (and no man felt the loss of his presence on this occasion more than he did); but, in the presence of those who heard what passed—in the presence of his own colleagues—and in his (the Lord Chancellor's) presence, who must of necessity have heard all that had passed on this subject, his official duties in that House rendering it impossible that it could be otherwise—in the face of all this, it was stated by the noble Earl, that that was said by the late First Lord of the Treasury, not one tittle of which he ever uttered—nothing resembling which he ever expressed—nothing coming within sight of which, or anything like it, did he ever state;—it was asserted, that his noble friend had said, that he had been betrayed by some person on this side of the water. Betrayed! did he use the word betray? [Earl *Wicklow:* The word was not "betrayed."]—Oh! the word was not betrayed; then, he supposed, it was nothing for the noble Earl to use a word which fixed upon a man in office, no matter whether high or low in office, the name and character of a traitor. So much for the accuracy with which the noble Earl charged others. The noble Earl, lately at the head of the Government, did not, it appeared, use the word "betrayed," but he had used words which implied that he had been betrayed. If that were the case, then he requested the noble Earl to tell him what those words were, in order that he might see if he could place such a construction on them. He certainly knew that his noble friend meant, and could mean, no such thing. It was admitted, that it had been falsely stated, and the statement was made apparently to facilitate attacks upon other persons; it was admitted, that it was untruly asserted, that his noble friend had said that he was "betrayed." Then, he asked, what were the words on which the implication was founded, he, at the same time, asserting that his noble friend never used any word, or expression, or colour of expression, that implied that he had been betrayed? He knew his noble friend's feeling. He lamented what had passed, and he expressed his disapproval of a communication which had been made by a gentleman in office to one who was not in office. He had stated his ignorance of the transaction, and declared that, if he had known it at the time, he would have prevented it; but he never said anything to warrant the assertion that he complained of the colour—of the tincture—of treachery in the proceeding. Then the noble Earl, to make his incorrectness of statement more flagrant, and to level his charge at a higher quarter, said, that it was some individual in the Cabinet whom his noble friend alluded to, as having betrayed him. But everybody knew, that the individual alluded to had nothing to do with the Cabinet. The gentleman to whom allusion was made, was the Chief Secretary for Ireland. [A noble Lord said: No; the Chancellor of the Exchequer.]—Oh! that was a mistake. The Chancellor of the Exchequer had never had any such communication as that referred to. But, suppose there had been a communication between this and the other side of the water; all that his noble friend had said amounted to this—that there had been such a communication, and, as he understood it, that it had begotten in the mind of the Lord-lieutenant a different feeling towards this measure, with respect to certain proceedings here. Now, this matter must rest on the communication between a Gentleman in office and a Gentleman not in office. That was stated in the other House of Parliament, and was referred to here by his noble friend. He stated these as well-known facts, and he wondered how they could have escaped the attention of the noble Earl, who was generally so accurate and so courteous. With respect to his noble friend (Lord Wharncliffe), he should be ready to meet him in the progress of this Bill, should it come up from the other House of Parliament, or on any measure which they might adopt there. All he should say was, that when his noble friend and others complained of the treatment which this House had received from his Majesty's Government, it would be well if they would look to the facts of the case. He should like to know what sort of a complaint would be made, if Ministers had attempted to carry this Bill in the House of Lords without these three clauses? He should like to know in what sort of a situation would Ministers be placed if, attempting so to carry it, they were outvoted by those who supported those three clauses? How would they be situated if their Lordships who were individually pledged to retain those three clauses succeeded, and the Bill was sent down to the other House of Parliament with them—where, he would say, on his responsibility as a Minister of the Crown, and as a Member of their Lordships' House, they might as well attempt to repeal the Reform Bill, or the Catholic Emancipation Bill, as to hope to preserve those three clauses. He should like to know, in that case, whether a charge would not be brought against the Ministers for endeavouring to create a collision between that and the other House of Parliament. If he had advised such a course, or taken such a one, he did not see how he could justify his conduct, as he thought he could justify it at present. He admitted, that the course the Ministers had determined on, proceeded from the assumption of the manner in which the measure would be met in another place, and he certainly thought none of their Lordships would suppose that the objectionable clauses could be carried through the House of Commons.

The Earl of *Wicklow* understood the declaration of the noble Earl, lately at the head of the Government, to be, that an individual member of his Cabinet did, without his knowledge or consent, communicate with the Lord-lieutenant of Ireland. The denial of the noble and learned Lord did not alter to the extent of one iota the impression on his mind as to the statement which had been made on the occasion referred to by the noble Earl then at the head of his Majesty's Government. He could recollect that statement as well as the noble and learned Lord, and he was sure that his version of it was the correct one. He possessed not, indeed, the same powers of sarcasm and of eloquence as the noble and learned Lord. He was not as able as the noble and learned Lord was, to say one thing one day and another thing another day; but he was equally capable as the noble and learned Lord of carrying in his recollection an important and a striking fact, and he would assert again, that the noble Earl lately at the head of his Majesty's Government did make the statement which he (the Earl of Wicklow) had attributed to him. He would maintain, that the noble Earl's statement was to the effect he had mentioned. The noble Earl did make that statement, and he further added, that the moment he discovered that such a correspondence had been going on with the Lord-lieutenant of Ireland, he lost not a post in writing to the Lord-lieutenant, telling him not to mind the influence which his decision might have on the opinions of individuals here, but to form his judgment solely with reference to the state of Ireland. That was the impression at the time—that still was the impression on his mind, as to what the noble Earl then said. The noble and learned Lord on the Woolsack was very ready in contradicting his assertion. Now, he would beg that noble and learned Lord just for a moment to compare his speech on a former occasion upon this Bill—that speech in which he stated that those three clauses were the best part of the Bill, and that in his opinion the Bill ought not to be passed without them. Let him compare that speech with the speech he had made this evening, and then let him

"—— to supper with what appetite he might."

The *Lord Chancellor* said, that the noble Earl had a peculiar felicity in being inaccurate in the statements he made. He did not say that the noble Earl was wilfully inaccurate, for there was no one who heard the noble Earl who must not feel convinced that he believed what he said; but that did not render his assertions the more accurate or the more true. The House had a sample of the noble Earl's accuracy of recollection in the version he had given of the statement which had been made by his noble friend the late head of his Majesty's Government. He would venture to say, that every one who had heard that statement would concur with him in the opinion that nothing could be more completely and totally inaccurate than the noble Earl's version of it. But the noble Earl had given them another notable sample of his powers of memory. The noble Earl asserted that he (the Lord Chancellor) had said in a former speech on this Bill, that those three clauses were the best parts of the Bill, and that without them the Bill ought not to be passed. He (the Lord Chancellor) had said no such thing. His opinion with regard to them was so directly the reverse, that when the Bill was about being brought in, he was anxious, if possible, that they should be left out, and in fact he had conferred with a noble Lord on the leaving them out, on the consideration that they were not necessary, that they would not be of use. But this he then felt, and he would admit he still felt, that it was not a fair thing, when they pressed so heavily in this measure on the peasantry of Ireland; he would admit, he was ready to admit, that it was not a fair thing, that it was not a right thing, if they had the choice left to them, not to press as heavily on the meetings in Dublin as on the meetings of the poor infatuated peasantry throughout the country. He had never said, that those clauses were the only part of the Bill that ought to pass. As to what the noble Earl said with respect to what had fallen from his noble friend, late the head of the Government, he (the Lord Chancellor) would again deny, that his noble friend had said that any communication of the kind alluded to had taken place between any one of his colleagues in the Cabinet and the Lord-lieutenant of Ireland. His noble friend certainly said, that there had been communications of the kind from this side of the water, and he particularly pointed to one individual quarter.

The Duke of *Wellington* said, that it was rather strange, after Ministers had thought fit to bring this measure forward, the same Ministers, with the exception of the noble Earl (Earl Grey), should announce to the House, through the noble and learned Lord on the Woolsack, that it would be impossible to pass such a Bill through the House of Commons. [The *Lord Chancellor:* Impossible now.] He recollected that the noble Earl lately at the head of his Majesty's Government, in the statement which he made to the House on bringing forward this Bill, strongly urged upon their Lordships the necessity of retaining those clauses. In that opinion the noble and learned Lord on the Woolsack on that occasion concurred, and the noble Earl (Earl Grey), himself particularly stated that he would not consent that the Bill should pass without those clauses. On that occasion the noble and learned Lord rose in his place, and with all the eloquence that belonged to him said, that he considered those clauses of the Bill essentially necessary, and he pointed out the hardship which would exist if they were to prevent the peasantry of Ireland from going out at night, and at the same time allow those persons in Dublin to meet who by their agitation and inflammatory proceedings excited the lower orders of their countrymen to outrage and insubordination. The noble and learned Lord would require more ingenuity than even he possessed, though he was much distinguished for ingenuity in that House, to convince their Lordships that when he stated that he would support those clauses, as absolutely necessary to the Bill, he thought that there was no likelihood of such a Bill passing the House of Commons. The noble and learned Lord now distinctly told them that they could not carry this Bill through the House of Commons. But, let their Lordships just see what this Bill was, that his Majesty's Ministers said they could not carry through the House of Commons. He must say, that he for one would be far from desiring that that House should press upon his

Majesty's Ministers any measure which they should not think proper. He was ignorant, however, that the House of Lords wished to press upon his Majesty's Ministers the adoption of any measure that they did not think proper. But, as he had said already, let their Lordships first look at what the measure in question was, and what was intended by it. They would then see what had been done by the noble Earl late at the head of the Government, and what had been left undone, in consequence of the discussions that had taken place in the House of Commons. It appeared that the noble Lord at the head of the Government in Ireland had sent a great deal of information here on the subject. It appeared from that information that the outrages which disturbed Ireland had, since this Act had been in force, been diminished to the amount of more than three-fifths upon the whole, on a comparison of three months in 1834 with three months in 1833. Another consequence of the measure was, that in a part of the country where the measure was tried—in four baronies which had been proclaimed, there the acts of criminality had been reduced almost to nothing. It further appeared, that the unanimous opinions of all those persons who had been employed by the Government to carry the law into execution was, that it had been the means of preserving the tranquillity of the country, that the people themselves were anxious that it should be renewed—that the Magistrates were anxious that it should be renewed—and that the Government of Ireland was anxious that it should be renewed. The Magistrates in their communications with the Government had expressed that view. Mr. Green, of the county of Kilkenny, where the Bill had been in operation, had told them, that those parts of the Bill directed against political meetings were essentially necessary to the utility of the measure. Mr. Green told them so in distinct terms. He would read his words to their Lordships. Mr. Green said, "There has not been an attempt at agitation since the county and city of Kilkenny were proclaimed; previously, agitation was the order of the day." That was a proof as to the consequences of the measure where it had been in full force. What were the benefits produced by it? Upon that point Mr. Green's testimony was to the following amount:—"The people have been and are gradually assuming their habits of industry, as the present cultivation of this country shows, and their manners are evidently changed for the better with those improvements." Yet this was the Bill which their Lordships were now told could not be carried through the House of Commons, in the Reformed House of Commons. This Bill, which was so much desired by all well-disposed persons in Ireland—this Bill, which was absolutely necessary for preserving the peace of Ireland—this Bill, which the noble Earl, late at the head of the Government, had described as necessary for the preservation of the peace of that country—this Bill, which the noble and learned Lord had said it would be unjust to pass without including that portion of it which was a protection for the people against the agitators; this was the Bill which the noble and learned Lord now came down and told them, that they could not propose to the House of Commons, because it could not possibly be carried through that House. Was it possible that their Lordships were reduced to such a state of degradation? Let them just see what was stated by the noble Lord at the head of the Government in Ireland as to the necessity of renewing this measure. He (the Duke of Wellington) had read the noble Lord's words on a former occasion; but he would again refer to them, for they were of great importance:—"These disturbances have been in every instance excited and inflamed by the agitation of the combined projects for the abolition of tithes and the destruction of the Union with Great Britain. I cannot employ words of sufficient strength to express my solicitude that his Majesty's Government should fix the deepest attention on the intimate connexion marked by the strongest characters in all these transactions between the system of agitation and its inevitable consequence—the system of combination leading to violence and outrage; they are, inseparably, cause and effect; nor can I (after the most attentive consideration of the dreadful scenes passing under my view), by any effort of my understanding, separate one from the other in that unbroken chain of indissoluble connexion." It was impossible for him to quote words to their Lordships demonstrating more completely the absolute necessity of passing this Bill, especially those parts of it which were intended to prevent that agitation which was so pernicious to the tranquillity of Ireland. He might quote many passages from the correspondence to which he had referred to the same effect, from different persons who had been employed by the Lord-lieutenant of Ireland for the purpose of preserving the peace of that country without the execution of this measure. It was stated over and over again in that correspondence, that it was the desire of the people themselves who were suffering from the excitement that was resorted to by means of public meetings in Ireland, that they should be relieved from such dangers by the renewal of this measure, and especially of the clauses to which so much reference had been made. But the noble and learned Lord now distinctly told them that they could not carry this Bill through the House of Commons. Why not, at all events, propose it to the House of Commons, and leave it to that House to pass or reject it? Their Lordships sent a Bill down to the House of Commons last Session, in a very different state from that in which it was sent to their Lordships. Was there any collision between the two Houses in consequence of that? He certainly voted against the measure, and gave it all the opposition in his power, conceiving that it involved principles inimical to the protection of all property. But the majority of their Lordships acquiesced in it. Why, then, not give this measure the advantage of trying whether it would be passed in its present shape by the House of Commons, the more especially as it was a measure approved of by Government, and of which the noble and learned Lord on the Woolsack had particularly stated his marked approbation? His noble friend (the Earl of Wicklow) had been accused of misrepresenting the statement which had been made by the noble Earl lately at the head of the Government. He must say, that he recollected the noble Earl distinctly saying that a member of the Cabinet had written to the Lord-lieutenant of Ireland, and had stated to him, as his advice, that he should desire the omission of those clauses from the Bill; that the Lord-lieutenant had in consequence of this communication expressed his desire to accommodate the measure to the views of the Government here, but that he Earl Grey (very properly, in his opinion) wrote to the Lord-lieutenant, telling him to consider the measure solely on Irish grounds, and to leave it to him (Earl Grey) to decide what would be proper and wise to propose and what there would be a chance of carrying in England. The noble Earl had taken that subject into his consideration. He believed, that there was no one more capable of judging of the difficulties which he had to encounter than that noble Earl. He decided, however, upon bringing in the Bill; and he said, in that House, that he would insist on carrying it through. Yet the three most important clauses in the measure were to be omitted. He must say, that he thought the noble and learned Lord was bound by what he had said so recently in reference to those clauses. When they saw, that the protection to person and property which had been afforded by the measure in Ireland, was to be withdrawn from it, because it was alleged that a majority in the House of Commons would not agree to the measure in such a shape, he must say, that he could not but tremble to think of the consequences that might follow such a course of proceeding. He would merely, in conclusion, say, that if the noble Viscount opposite chose to have another Bill instead of that—if he chose to have a Bill less efficient than that which had been introduced with his own approbation, no difficulty would be thrown in the way of the passing of such a measure by him (the Duke of Wellington), or by any noble Lords that he knew, but he would tell the noble Viscount, and he would tell his Majesty's Ministers, that for such a measure he and they would alone be responsible.

The Earl of *Limerick* observed, that the orders of the House had been grossly infringed upon this occasion. In order to preserve peace, and to prevent collision, the order, of course, was not to refer directly, at least, to proceedings in the other House of Parliament. On the present occasion, however, they had been told and that, too, upon the highest authority, that it would be vain to pass this Bill, as it would infallibly be rejected by a majority in the other House of Parliament. Good God! were their Lordships reduced to that pass, that they were to be merely a Court of Registration for the other House of Parliament? He trusted that they had not arrived at such a degree of degradation, though, if they put their seal to it, that must be.

Viscount *Melbourne* said, that on such a Motion as the present, he certainly should not go into a regular debate, such as the noble Duke had gone into, producing documents, referring to papers, and quoting different authorities in respect to this measure. He was sure, however, that their Lordships would feel, that in the situation in which he stood, and pledged undoubtedly as he was, quite as much as his noble friend lately at the head of the Government, to this Bill, he was called upon to address a few observations to their Lordships upon this occasion. "The noble Earl opposite, (continued the noble Viscount), in the speech which he has made to your Lordships, has accused my noble and learned friend on the Woolsack of not speaking with any measured language. I cannot think that the noble Earl has measured his own language in a speech in which he has accused his Majesty's Ministers of baseness, of tergiversation, and of submitting to the lowest species of indignity rather than quit our places. I now tell that noble Earl, as I told him upon a former occasion, that with him I will not enter into a contest of insult and contumely. I could call, I might easily call, as hard names as that noble Earl. I might impute to him base, and factious, and personal motives. I might impute to him, that he was actuated by two passions, the strongest that human nature can be actuated by—mortified vanity, and disappointed ambition." He would dismiss that subject, however, at once—he would disembarrass the discussion of all allusions of an offensive or personal character. He wished to discuss this question with that coolness and calmness which a question of such importance demanded. In all his political experience, and it was not a short one, he recollected no occasion where a want of confidence was expressed in the persons in office, that it was not usual for the persons on the other side of the House, if they felt as strongly as several noble Lords had stated they felt that night, to bring the subject by motion before Parliament, in order that the country might decide upon it. That was the fair, manly, and proper way of bringing the matter before Parliament. But he would say to the noble Lords opposite, was it fair—was it wise—was it patriotic, merely to try to depreciate those whom they were not prepared to remove, and whom, if they removed, they certainly could not replace? With respect to the question which might be said to be before the House on this occasion, he would just say, that when the Bill was brought in by his noble friend, the late head of the Government, it did not appear to him necessary to add any observation to those then made by his noble friend. He sat, however, on that occasion by his noble friend, and as Secretary for the Home Department, charged as he was with the peculiar interests of the country to which that Bill had reference, he must be considered as entirely agreeing in the statement then made by his noble friend. He agreed with his noble friend in thinking, that the Bill was prudent and expedient in that form. He still continued to be of that opinion; but he did not think, that the portions of the Bill which had been referred to, were absolutely necessary. The noble Duke had said, that they were absolutely necessary for the preservation of the peace of Ireland: but the noble Duke, in making that statement, confounded two parts of the Bill; he confounded those three clauses of the Bill, and that which went to prevent, what, in the jargon of the present day, was called predial agitation, but which was more properly designated nocturnal outrage and rapine. He believed, however, that those two things were very closely connected. Indeed, he was not sure that there was not a necessary connexion between them. Undoubtedly, the most efficient parts of the Bill were those which applied to districts proclaimed, and which prevented meetings in those that were not proclaimed. He would, however, have their Lordships to recollect this—that when it was clear, when it was known, as unfortunately it was, that it was the opinion of the Lord-lieutenant of Ireland, that he could maintain the internal tranquillity of that country without the re-enactment of that portion of the Bill which related to political meetings, he would ask their Lordships whether, under such circumstances, Ministers would be justified, unless by the fear of some convulsion or civil war, in attempting to carry such a measure? He believed that that system of political meetings which had existed in Ireland, and which probably would be attempted to be established there again, and the topics generally discussed at them, must have the effect of spreading, if not of producing, discontent in that country, and he had no doubt that they led to those outrages which so deeply and lamentably disturbed that portion of the empire. But when it was known, that the opinion of the Lord-lieutenant of Ireland, however that opinion was produced, or upon whatever grounds it was founded—when it was known, he repeated, that the opinion of the Lord-lieutenant of Ireland was, that that portion of the Bill might be dispensed with, would it be wise on the part of his Majesty's Ministers to force those powers on the Government of Ireland, which, whether justly or not, whether properly or improperly, had been repudiated by the Government? He was sure that their Lordships, upon reflection, would see that there was no other course for the Government now to pursue, than to propose the Bill to Parliament without the clauses. He would beg their Lordships to consider, that the opinion given by the Lord-lieutenant of Ireland, had produced an impression, not only on the public mind—not only on the minds of Members of both Houses of Parliament, but it had produced a change of opinion in certain members of his Majesty's Government—he alluded to those members of the Cabinet who had opposed this portion of the Bill in the first instance, and who had only assented to the bringing in of the Bill, in deference to the opinion of the majority of their colleagues. He need scarcely say, that his noble friend, the Chancellor of the Exchequer, was one of those persons. That fact brought the whole of this matter to a short issue. He begged their Lordships to attend to it, and to observe the situation in which he was placed. If he had not attended to the call which his Sovereign made upon him—if he should have been justified in leaving his Sovereign without a Ministry, and the country without an Administration, because he felt that he could not obtain those powers from the House of Commons, and because, if those powers were to be continued, he saw an insuperable difficulty of forming an united Administration, — if upon these grounds he should have been justified in not attending to the call of his Sovereign, he admitted that he was subject to their Lordships' condemnation. But if he was right in accepting the Commission of his Sovereign, upon the terms of making the concession in question—a concession very unwillingly made on his part—but which irresistible circumstances seemed to render absolutely necessary,—if, under such circumstances, he was right in accepting the Commission of his Sovereign, then he had a right to call upon their Lordships, not only for a fair hearing and kind indulgence, but, in the name of his Sovereign and of his country, to call upon them, as far as their consciences would permit, for their assistance and support. The noble Lord opposite had said, that Ministers had sacrificed the interests of Ireland for the purpose of accommodating themselves to their places. He felt strongly the observation of the noble Lord, and he should indeed feel deeply grieved if any aggravation of the evils of Ireland should be the result, which he was ready to admit might probably be the result, from passing the Bill in the form proposed. He would say, however, that should those evils arise, should those meetings be renewed, and should that agitation again be resorted to in that country, and should it assume anything like a threatening magnitude, his Majesty's present Ministers, should they then conduct the councils of their Sovereign, would at any hazard, and no matter how unpropitious the season might be, call Parliament together for the purpose of meeting such evils, and they would advise his Majesty to throw himself upon that Parliament, for the purpose of obtaining those powers and those means which might be necessary to meet the difficulties of such an exigency.

The Duke of *Buckingham* said, that his Majesty's present Ministers were not bound by what had fallen from the noble Earl late at the head of the Ministry, but they were certainly bound by their own words, and their own words could be produced in favour of that Bill which now stood for a third reading in that House. Their Lordships should call upon them for an explanation how it happened that so recently as ten days ago they entertained one opinion, and that they now entertained directly the reverse. The bill which Ministers had given up was in accordance with the feelings of the country, and it should not have been abandoned. They who sat on that side of the House would be glad to support an Administration conducted upon pure and honest principles. Could they now boast to Europe that they had an Administration that was founded upon honest and honourable principles? Let the transactions of the last ten days answer that question. It appeared from the statement made by the Chancellor of the Exchequer, that the noble Lord was in a minority in the Cabinet on this Bill. Why did he not then resign? Instead of doing that, he told the Secretary for Ireland to go and consult with the prime agitator of that country, but to take care not to commit himself. The noble Lord communicated with the Minister for Ireland, who was to communicate with Mr. O'Connell. He heard the noble and learned Lord cry "*Order*," but he meant no offence in naming that learned person. It was well known, that the communication was made to him.

The *Lord Chancellor* merely meant to intimate, that Lord Althorp had never done what the noble Duke imputed to him.

The Duke of *Buckingham:* What then happened? Why, that the noble Earl at the head of his Majesty's Government was, he would not say betrayed, but certainly deceived. That noble Earl himself had distinctly said, that confidence had been reposed where it never should have been placed. By whom was that confidence reposed? By the Minister for Ireland, authorized to do so by a Cabinet Minister. In whom did he repose that confidence? In the prime arch-agitator of Ireland. The noble Earl, the moment that he found he had been deceived, resigned his office. What had been the conduct of the noble Lords opposite? When that noble Earl brought in the Bill, they cheered him in his progress, and encouraged him in his enterprise. But now—one week, one little week had followed—the noble Earl had gone to his political sepulture, and the noble Lords opposite, and the noble and learned Lord on the Woolsack were ready to bring in a measure quite different from that for which they cheered the noble Earl when he introduced it. The country would require an explanation from the noble and learned Lord who had thus acted in contradiction to his own speeches. Was it through fear of Mr. O'Connell that Ministers had acted so? Let them speak out, and let it be known whether that agitator was the real Minister of Ireland. Did the noble Lord opposite suppose that a short speech, or one debate on the subject, could settle the question? He was very much mistaken if he did. The noble Lord might fancy, that he had buried the noble Earl lately at the head of the Government, but he was also mistaken upon that point. The noble Earl's spirit would arise, and scare some of the present dignified occupants from their arm-chairs, would disturb the noble Viscount in his slumbers, and interrupt the festivities of the noble and learned Lord upon the Woolsack, when he may attempt to forget the history with 'pottle-deep potations' to the health and prosperity of the new Administration.

The Marquess of Lansdown rose, but—

The *Lord Chancellor* also rose, and said, "Pray stop a little moment:" the noble Duke who had just addressed the House, must be conversant with the dialect adopted in some alehouse, with which he (the Lord Chancellor) was unacquainted. He was in the habit of meeting the noble Duke elsewhere, but never had the honour of seeing him at the alehouse, where the noble Duke must have been so often in order to have picked up the terms of his slang dictionary.

The Earl of *Wicklow* rose to order.

The Duke of *Buckingham:* Let the noble and learned Lord go on; do not interrupt him. I shall take anything that may fall from him with perfect coolness.

The Earl of *Mansfield* rose to order.

The *Lord Chancellor*: Oh, then, I shan't trouble your Lordships with anything more on the subject; noble Lords need not rise to order; as I am interrupted, I have done.

The Earl of *Mansfield* said, that he spoke to order from the plain and sincere wish that the dignity and decorum of their Lordships' House might be maintained. This was his sole motive in rising to address himself to their Lordships, and he put it to them whether, for the sake of their dignity, it was not much better that there should be no explanation from the noble and learned Lord on the Woolsack, and no reply or counter-explanation from the noble Duke. He appealed to the good sense of the House, and of the noble Lords themselves, and asked them whether this would not be the better course?

The Lord Chancellor again rose; but, before he resumed his address,

The Marquess of Clanricarde, rose to order.

The *Lord Chancellor* said, that if the noble Earl behind him had taken him at his word when he said he should not trouble the House with anything further on the subject, it would have been quite as well. He meant to say nothing more. "Don't you ——"

The Marquess of *Londonderry:* I rise to order.

The *Lord Chancellor:* This is not the way to preserve order.

The Marquess of *Londonderry* again rose to order.

The *Lord Chancellor:* If the noble Marquess had attended to the progress of the discussion, he would have seen that the question was, whether the Lord Chancellor was to be allowed to explain in reference to the noble Duke's observations on what had fallen from him in the course of the debate. This was the first time he had ever heard that it was at all fair, especially in a court of justice—and their Lordships' House was a Court of Justice —nay, the highest in the realm—to listen to the attack upon a noble Peer; but the instant an explanation or defence was offered, to stifle it in the birth with speeches to order, or other equally unfair interruptions. When interrupted, he was speaking in explanation, in reference to the noble Duke's most extraordinary attack upon him. If the noble Duke's speech were intended as a joke, he was ready to receive it in good-humour—quite as ready as any of their Lordships; but if it were really meant as a serious charge, then he should not hesitate to say of it, that it was as gross and unwarrantable, as utterly and completely devoid of foundation, as any, the most untrue, assertion or insinuation that had ever been made by any individual whatsoever. He entirely believed, however, that the noble Duke's remark was meant jocularly and quite in good humour, and accordingly he was willing to take it so.

The Duke of *Buckingham* said, that it was unnecessary to say the allusion was from Shakspeare, and he intended it in perfect good humour.

The *Lord Chancellor* nodded, and expressed himself ready to take the matter in that way; and the scene terminated.

The Marquess of *Lansdown* reminded their Lordships, that the whole debate was essentially irregular in its nature, arising as it did upon the question of adjournment. It was highly objectionable, on such a question, to go into debate on the subject of documents that had passed between the Lord-lieutenant of Ireland and the Government, which would be proper matter of discussion when the measure to which those documents related should be submitted to the House. He did not rise to answer the noble Duke, or for the purpose of following him into, not one, but many, unintentional mis-statements of facts with which the noble Duke's speech abounded; but he willingly reserved himself, till that larger and more ample speech, which the noble Lord (Lord Wharncliffe) had announced that he should pronounce on a future occasion, when he would endeavour to answer the noble Lord in reference to this or any other subject. However, he felt it impossible to allow this, call it debate or conversation, to conclude without offering his testimony as a careful and deeply interested witness, on the subject of an allegation, the most unfounded, upon which the whole debate was made to rest —he meant the allegation, that the noble Earl lately at the head of the Government had declared that "he was betrayed by one of the members of his Cabinet." The noble Earl never said "he had been betrayed,"—never used the term "member of his Cabinet." He said this as a deeply interested auditor on the occasion, and one who had closely watched what then passed; for, much as their Lordships had been interested and affected by his noble friend's never-to-be-forgotten speech, he had an additional reason for attentively collecting and weighing every word of it, because it was that speech which influenced his conduct in remaining in office; for he most solemnly declared, that had his noble friend stated "he had been betrayed by one of the members of his Cabinet," with that member he certainly would not have continued to sit; and if it could now be made to appear that such was the noble Earl's declaration (which he was sure was quite impossible), of that Cabinet he would then immediately declare himself no longer a member. His great object, as well as that of his noble friend, was to preserve the peace and tranquillity of Ireland, in connexion with the passing of the Coercion, or more justly speaking, the Protection Bill; and he had always declared, that the permanent maintenance of that tranquillity must be the leading consideration of Government. Not wishing to shelter himself under the silence he happened to observe in the previous debate, he now came forward openly to declare, that he did not fail to attach as much importance as his noble friend on the Woolsack to the three clauses of the Coercion Bill; he was also bound to consider the effect of the measure on the feelings of the people of this country. When noble Lords talked of that revelation which by an unfortunate indiscretion had been made in relation to the Bill, and when they talked of the possibility of still inducing the House of Commons to assent to the measure in its present shape, he asked whether they thought this a Bill which it was desirable to pass through the Commons by a bare and narrow majority? This was a measure conferring extraordinary powers on the Government, and it was desirable that it should receive the assent of a large majority. He put it to noble Lords whether, after the whole extent of the indiscretion came to be known, and it was not known at the time of the former discussion, and when it was communicated to a reformed House, or indeed to any House of Parliament, that the authorities in Ireland did not now require all the powers of the Act for the maintenance of the public peace — he asked their Lordships whether it was astonishing that, under such circumstances, there should exist in the House of Commons (and he reverenced the feeling) a desire to try the experiment to that extent which the head of the Government was willing to accept in the first instance; and to ascertain whether the Government of Ireland could not be carried on, omitting that part of the Bill which did not apply to actual agitation or disturbance, but to the original cause of these, which cause was not at this moment in action. When he said, that he reverenced the feeling which would lead to a trial of a mitigated Coercion Bill, let him not be misunderstood. He believed, that if, contrary to the expectation which the Lord-lieutenant of Ireland appeared of late disposed to form,—namely, that it would be practicable, judging from the experience of the past, and the non-existence of dangerous agitation at present, to maintain the peace of the country without the full powers of the Coercion Bill—if the Lord-lieutenant should prove to be deceived in that opinion, he believed, as the reformed House of Commons did not hesitate last year on an unanswerable case of necessity being made out, to grant the whole powers of the measure, so, if the Government did its duty in again demanding such powers in a like case of necessity, and called Parliament together, the House of Commons, with the same determination to protect his Majesty's loyal subjects, would not hesitate to confer on the Government powers calculated to put down, not only the effect but the cause of disturbance, when called into action. It was in that confidence, and acting on the fixed determination of Government, and influenced by a desire to ensure the Coercion Bill the support of a large majority in the House of Commons, that he gave his consent to a deviation from the course originally proposed to be adopted, and was willing to try the experiment as to the least degree of extraordinary power by means of which public tranquillity could be preserved. At the same time he was determined to uphold the peace of the country, by the unhappy clauses in question, if called on by circumstances which required their application. When disturbances, the effect of agitation, had been put down, let him see their cause revive, and he would be ready to join in calling on Parliament to put it down. But that cause was not now in action, and it had been stated in the name of the Lord-lieutenant, that it was not, and that he did not expect it would be revived. [A *Noble Lord:* Where has he stated it?] He had not asserted that there was any document in which that opinion of the Lord-lieutenant was stated, but it was known that such was the Lord-lieutenant's opinion. But if the impression now existing in the mind of the Lord-lieutenant turned out to be erroneous, let Parliament and Government do their duty, and act as circumstances should appear to require.

The Marquess of *Londonderry* could not understand how the noble Lord could originally be of opinion that the Coercion Bill would pass in its complete form, and could now, after a lapse of ten days, but without any change in the state of things, entertain an entirely different opinion. This was in itself very extraordinary, but what was still more extraordinary, the noble Earl lately at the head of the Government had been sacrificed to this base intrigue. It was the Chancellor of the Exchequer who first suggested the idea of a communication with the great agitator, and that noble Lord was the cause of the recent break-up of the Cabinet. The noble Lord's conduct, as far as had come to their Lordships' knowledge, appeared totally inexplicable, and it seemed to him, that the noble Lord never could excuse it to the country in his place in Parliament. Who was the sufferer? The noble Earl who had stood the brunt of the battle in favour of the reform in that House, and who carried that deplorable measure, was now thrown overboard by the intrigues of the noble Lord, and had become their victim. He regretted, that the noble Earl was not now in his place, in order that their Lordships might see whether he coalesced with his late colleagues in the alterations proposed to be made in the Coercion Bill. He should like to know, also, the opinion of that noble Earl of the present Cabinet, which appeared to him to be a miserable piece of patchwork, which reflected little honour on the parties.

Lord *Ellenborough* wished to say one word. He asked the noble Viscount opposite whether the right hon. Gentleman, of whom the noble and learned Lord on the Woolsack and the noble Marquess had spoken in terms not very complimentary to his discretion, still held the office of Secretary for Ireland?

Viscount *Melbourne* was glad the question had been asked, as it not only afforded him an opportunity of answering it in the affirmative, but of also stating, in justice to the right hon. Gentleman, that the objection taken was not to the fact, but to the extent of the communication with Mr. O'Connell, who, it must be considered, if he were the great agitator of Ireland, was also a leading Member of the House of Commons. It was impossible to conduct the business of Government without occasionally communicating with Members of the Opposition.

Lord *Ellenborough* said, that the noble Viscount differed in opinion from the noble Earl lately at the head of the Government, who had stated that his objection was to the character of the man to whom the communication had been made. He must say, that he thought that the right hon. Gentleman had been extremely ill-used, inasmuch as he was allowed to suffer for some time under the imputation of having communicated with Mr. O'Connell, not only without the approbation, but also without the knowledge, of his Majesty's Government. Recollecting the tone and temper of the noble Earl on this subject, he should have said that the noble Earl did not know that the Chancellor of the Exchequer had authorised the communication. He thought it impossible, that the noble Earl could have so spoken if he were aware of that fact. Certainly, the noble Earl did not speak of the extent of the communication, but of the positive indiscretion of making a communication to Mr. O'Connell of a matter in deliberation before the Cabinet. However, to the extent of the fact of communicating with Mr. O'Connell under the authority of a Cabinet Minister, unless the accounts of what occurred elsewhere were extremely incorrect—to that extent the right hon. Gentleman was fully justified. The noble Chancellor of the Exchequer had said, that in the fact of communication he saw no harm, and it was natural to suppose, that the noble Lord would state what had passed to the noble Earl lately at the head of the Government.

The *Lord Chancellor* said, that he did not call the conduct of the right hon. Gentleman a piece of indiscretion; and he did not think that his noble friend (Earl Grey) had said that he totally disapproved of all communication whatever with Mr. O'Connell. He did not think that his noble friend had said anything of the kind. He might be wrong, but he thought that his noble friend had merely disapproved of the extent to which the communication had gone. It was the ordinary course of Ministers of the Crown to hold communications with parliamentary leaders of opposition. He (the Lord Chancellor) had had communications of a delicate nature with Lord Castlereagh, with Mr. Canning, and with Mr. Perceval—to the last of whom he had been more vehemently opposed than was usual—even to a degree of bitterness, as a party-man in public; yet with that Gentleman he had held an important communication on the day before his lamented end. The fact was, the business of the House of Commons could not be carried on without such communications. With respect to the communication now in question, he had only thought and said, that it had been carried further than it ought.

The Marquess of *Londonderry:* Did the noble and learned Lord recollect, that this individual was pointed at in the speech from the Throne as the cause of agitation in Ireland, and that by the Government he had been held out as a person with whom no communication ought to have been held?

The *Lord Chancellor* answered—No; the hon. and learned Gentleman was not designated nor particularly alluded to in the speech from the Throne.

The Duke of *Buckingham* stated, that his impression of the noble Earl's (Grey's) speech was, that the noble Earl blamed the right hon. Secretary for Ireland for having placed confidence in a person to whom no confidence ought to be placed.

The Marquess of *Westmeath* said, that the noble Earl (Grey) had stated, that the communication had been made without his knowledge, and that if he had known of it he would have endeavoured to prevent it, and that he never would have communicated with a man who had opposed the laws. The people of Ireland should know whether the position laid down by the noble Earl, or that now stated by the noble Viscount (Melbourne), was the proper one. He must express his disposition to support the Bill in its present shape.

The Marquess of *Lansdown* meant to cast no imputation upon the right hon. Secretary for Ireland in what he had just said. In saying that the right hon. Secretary had been guilty of an indiscretion, he had only repeated the words which the right hon. Secretary had himself applied to his own conduct. He thought that both England and Ireland were deeply indebted to the right hon. Gentleman for the candour and manliness which had induced him so frankly to admit his error.

Lord *Ellenborough* did entire justice to the manliness with which the right hon. Gentleman had admitted his error, but it was not always kind and charitable to censure a man in the terms which he had applied to his own conduct.

The Marquess of *Londonderry* said, that, in his opinion, all the blame of this transaction ought to fall upon the Chancellor of the Exchequer; and as a superior officer was always responsible for the orders which he gave to his inferior, he thought that Mr. Littleton ought to be exempted from all blame in the matter.

The question of adjournment was put and carried.

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HOUSE OF COMMONS,

Thursday, July 17, 1834.

Minutes.] New Writ. On the Motion of Mr. Charles Wood, was moved for Sudbury, in the Place of the Right Honourable M. A. Taylor, deceased.

Bills. Read a second time:—General Turnpike Act Amendment; Justices of the Peace (Scotland); Excise Revenue Management; Execution of Wills; *Quare Impedit* Actions.—Read a third time:—Stannaries Court (Cornwall).

Petitions presented. By Mr. J. Smith, from the West-India Dock Company, against extending the Warehousing Right to other Places.—By Mr. Bannerman, from ; Congregation at Gilcomston, against the Ministers' Appointment (Scotland) Bill; from Frasersburgh, for a Measure to prevent the Clandestine Emigration of Debtors; from Aberdeen, against Drunkenness.—By Sir Robert Inglis, and Mr. Halford, from a Number of Places,—for Protection to the Established Church.—By Lord Milton, from the Landowners of Northampton, against any Alteration in the Corn-Laws.—By Mr. Ruthven, from St. Bridget's, Dublin, for accelerating the completing the New Assessment.—By Mr. M. Attwood, from Workington, against the Merchant Seamen's Registration Bill; from Whitehaven, against the Reciprocity Duties; and from the same, against Drunkenness.

The Administration.] Lord *Althorp*:—I take the opportunity of moving a new writ, for the purpose of stating to the House, that Lord Melbourne having been commissioned by his Majesty to lay before him the plan of an Administration, has completed his arrangements, and has reconstructed the Cabinet. The addition made to the Ministry is, that Lord Duncannon having accepted the office of Secretary of State for the Home Department, Sir John Cam Hobhouse has been appointed to the Woods and Forests, instead of Lord Duncannon, with a seat in the Cabinet. Therefore, as far as relates to any addition, the alteration in the Cabinet will not be very great; but, undoubtedly, the alteration in the Cabinet is great—very great indeed, in the loss of the services of Lord Grey; and it is impossible for me to disguise from myself, it would be hypocrisy in me were I to state to the House, that I thought the Cabinet, deprived of Lord Grey, as presiding over its Councils, could have as strong a claim upon the confidence of the country as before his retirement. On public grounds, it is impossible for me to express my regret more strongly than I feel it; and on personal grounds, it impresses me still more deeply. During the whole of my political life, I have looked up to Lord Grey as my tutor and leader. Such he has continued to me from the earliest moment that I had a seat in Parliament; and I certainly never would have accepted office, unless to assist Lord Grey in the establishment of a Government. At that time we had the prospect before us of being able to accomplish the great object of Parliamentary Reform. In addition, I may say, that even with this prospect I never would have consented to accept office, had not Lord Grey been placed at the head of the Ministry. Since that period, the intimacy of my political connexion has greatly increased my personal attachment. In every respect, in which an amiable disposition can produce, in those connected with it, regard and affection, there is no man who possesses that quality more highly than Lord Grey. So much I may say of his temper and character; but my admiration of the abilities of Lord Grey is higher than for the abilities of any other man. My esteem for his upright and straightforward policy is equally great; and, with these feelings, I consider the loss of Lord Grey from the Cabinet as nearly irreparable as possible. His Majesty has now been pleased to place Lord Melbourne at the head of the Government, and I am perfectly ready to state it as my sincere conviction, that his Majesty would not have made so wise a choice, had he gone to any other quarter. Lord Melbourne possesses great abilities, natural and acquired, great judgment and great decision. These, the House will be aware, are qualities very necessary in the first Minister of this country; and, as far as my own opinions are concerned, I may mention that I have had the satisfaction of concurring with Lord Melbourne in most of the subjects brought under the discussion of the Cabinet. Under these circumstances, his Majesty has been graciously pleased to require the continuance of my services. It is at no time agreeable for a man to speak of himself—it is neither pleasant to him nor to his hearers; but I am, in a manner, bound on this occasion, to say a few words respecting my own conduct. I have always had, as I believe is pretty generally known, a great disinclination to be in office. I will not say, that the experience I have had of it has at all diminished that disinclination; but, besides this constant private feeling, I felt that there were circumstances in the present state of affairs which increased my desire to relinquish office. This desire I stated to Lord Grey, aware at the time that my resignation would be likely to cause also the retirement of his Lordship. Hence my disinclination to quit my post, but I should certainly have left it, had I thought that Lord Grey would have continued to retain his situation. It was Lord Grey's strong and earnest advice to me to remain where I was; but these are all private matters, with which, in fact, the House has little or nothing to do. I am obliged to say, that if I looked to public duty, I saw every reason for continuing my services, such as they were: I could not, in fact, find one ground of a public nature justifying my relinquishment; and such being the case, I felt it my imperative duty to act as I have done. I do not know, that on the formation of the Ministry, it is necessary for me to say more. I only wish to add in a very few words—and a very few words will suffice—something of the principles on which we mean to act. The principle on which I conceive the Administration of Great Britain is bound to proceed is, that while it preserves the institutions of the country, it will carry forward such reasonable and effectual reforms as the people have a right to expect would be the consequence of the Reform in Parliament. While it feels it its bounden duty not to propose anything which can produce danger to the institutions of the country, it should take care that the remedies are neither more than adequate nor less than adequate to the evil intended to be remedied. All should be arranged and settled according to the existing circumstances of the country. This, I will say, was the principle on which the Government of Lord Grey proceeded: it has met with obstructions and difficulties; but such was its principle, and such ought to be the principle of every Administration. Upon that principle we are now prepared to act: we, too, may meet with obstruction and difficulties, but if we do, we will endeavour to overcome them. I beg to move, that the Speaker issue his warrant for a new writ for the election of a burgess for the borough of Nottingham, in the room of Viscount Duncannon, who has accepted the office of one of his Majesty's principal Secretaries of State.

Colonel *Evans* said, that he wished to make one or two observations. He hoped that the Government now formed would, by proceeding more consonantly with the feelings of the people, acquire strength from possessing their confidence; but the noble Lord had said, that the principle would be the same as that of Lord Grey's Administration: if so, it would not fulfil the just expectations of the people by carrying forward the improvements consequent upon the Reform of Parliament. He had chiefly risen to advert to a circumstance that had occurred within a very few days: he alluded to an address presented to the noble Lord (Lord Althorp), which he, among others, had been invited to sign. He had refused, and it was due to his constituents and to himself to state shortly why he had declined it. Few hon. Members were circumstanced like himself, and he thought it incumbent upon him to state his reasons. He was quite aware, that the great majority of those who heard him had subscribed the address; and notwithstanding the ejaculations by which he was met, as he had good reasons for refusing, he hoped he might be allowed to mention them. Every individual, however humble, had a character to defend; and he knew, that some few of his friends had adopted the same course as himself. He had not refused to add his name from any factious feeling, but merely because he thought the practice of addressing members of the Government was growing into a system, and to that system he objected. When the Government was in a state of disorganization, the hon. member for Middlesex had moved, as was both usual and proper, the temporary adjournment of the House. If, then, Parliament suspended its functions in order that the Sovereign might exercise his free choice, surely it was not too much to expect that Members would suspend also their individual operations. If this custom were allowed to proceed, what would be the consequence? It would, in some degree, prevent the Sovereign from exercising a free choice, since he could not but receive some bias from what he knew was going on out of doors. Did it not also, in some degree, transfer the functions of Parliament to clubs and cabals? He had no doubt, that the parties who got up the address to the noble Lord had no such intention; but if it became a regular practice, such must be the result. Clubs and cabals would settle the Ministry, while the Sovereign was coerced. He ventured also to say, that he was at a loss to understand how many of his friends who had frequently opposed the measures of Government, could bring themselves to sign such an address, for there was not one expression in it which indicated the slightest disapprobation of the past conduct of Ministers: hence it amounted to a virtual approbation of the whole conduct of Government. He hoped something from the tone of the speech of the noble Lord, and agreed, that the Government and the country had sustained a severe loss in the resignation of Lord Grey. The present Cabinet would, however, be better able to carry forward the principles of Reform, as the last Government had been better able to comply with the wishes of the people than the Administration which preceded it.

Mr. *Tennyson* concurred in what had been said by his hon. and gallant friend on the subject of addresses, and on the manner in which they controlled in a degree the prerogative of the King. The noble Lord had declared, that the principle of the present Government would be to carry forward reasonable reforms, while it maintained the just rights of the Crown and supported the ancient institutions of the country; and he (Mr. Tennyson) deemed it his duty to give confidence, in the first instance, to any Ministry his Majesty might think fit to appoint. On this occasion, he was satisfied, that the noble Lord would not have consented to appear in the place he occupied, had he not felt assured that he was associated with men who would act upon the principles he had avowed. He trusted, therefore, that such hon. Members as had signed the address, would be prepared to support the noble Lord and his colleagues, until they saw a clear departure from the plan upon which they said they were resolved to proceed. Nothing could be more satisfactory to the nation than the general co-operation of all liberal men to accomplish the general good; and whenever a great principle was admitted, he hoped that people would not be too critical in scanning the particular mode in which it was carried into execution. Let every Member be actuated by a strong desire to do his duty to his constituents, and by an earnest wish to obtain those benefits which the Reform Bill was calculated to produce. He especially exhorted his hon. and gallant friend (Colonel Evans) to concur with him in the course he was determined to pursue—namely, to place confidence in the present Administration, because, by the noble Lord, that confidence was chiefly deserved.

Mr. *Matthias Attwood* said, he heard with satisfaction that part of the noble Lord's statement, in which he, who so recently announced the dissolution of an Administration, now informed the House that a Ministry was re-established, and that the House was to proceed with its suspended business and duties. The observation of the gallant member for Westminster deserved the serious consideration of the House, in the altered circumstances in which they were now placed. For nearly a fortnight the proceedings of Parliament had been interrupted, at a period of the Session advanced, indeed, in point of time, but not advanced in the public business; when the business of the House yet remained, though the Members would be absent; and, he asked, under what circumstances? No Administration had been driven from office by political opponents, with the forfeited confidence of the House of Commons, to give place to a new Ministry with new measures. No political opponents attacked the late Administration, desirous of, or even willing to accept their seats. They possessed the confidence of the House of Commons and of the King, and, in fact, of every branch of the Legislature, in as great a degree at the moment they abandoned power, as at any period since their accession to office. The Administration had fallen to pieces by its own weakness; with no opponents but amongst themselves—censuring and condemning the measures, each one of the other—had the Administration abandoned their places and taken them up again; and the whole business of Parliament been suspended, to enable the Ministry to reconcile their personal dissensions, or to agree on their political principles. But then the dissensions had grown to such a height, as to deprive the House of the presence of Ministers responsible for the acts of the Crown. The House was, however, placed in circumstances different from those by which the conduct of former Parliaments was governed on similar occasions. Recent experience had shown the growing uncertainty of the presence, in that House, of the Ministers of the Crown. The King might appoint to public office those whom the people would refuse to elect to seats in Parliament. They had been without the assistance, during a great part of this Session, of the principal law adviser of the Crown. Very nearly was the House deprived of the assistance of his right hon. friend, the Secretary for the Colonies. The noble Lord had told them he had resigned the office of Chancellor of the Exchequer. If that were so, and he again accepted it, the House would, in all probability, lose the advantage of the presence of the Chancellor of the Exchequer. [The noble Lord intimated his dissent.] Why, probably the noble Lord would contrive, by some device of office, to accept an office from the favour of the Crown, and still retain his seat in Parliament, in despite of the distrust of his constituency in Northamptonshire. The right hon. Gentleman beside him had already given such an example,—had taken the office of President of the Board of Trade, and avoided, by an ingenious device, the necessity of presenting himself again to his constituents at Manchester. It was impossible to regard these proceedings without recalling the speeches of the noble Lord more than three short years back, when difficulties such as the present were pointed out to him as the consequence of his meditated measures. He did not then point out the course he now adopts. The noble Lord said, that if the Ministers of the Crown could not secure their credit with their constituents, they ought neither to be returned to, nor to sit in, Parliament. The noble Lord's recent conduct was a singular illustration of his recorded principles. But it was not for the House to guide its conduct by the success or failure of shifts such as the noble Lord had resorted to; but, by reference to the situation they were placed in, they ought to consider in time the necessity of adapting their proceedings to their altered circumstances. They would derive some light as to their situation in this respect, by reference more closely to recent proceedings. They heard the noble Lord tell them that himself, and sundry of his colleagues, had resigned, and that the Administration was dissolved; but, in the same hour, another noble Lord contradicted in another place this assertion, and affirmed, that the noble Lord's colleagues had not resigned, and that the Administration was not dissolved. Whence that contradiction? The noble Lord opposite was cognisant of the fact of which he spoke, and was removed from all suspicion of desiring to misinform the House. The other noble Lord was equally cognisant of the fact, and equally incapable of desiring to mislead the House of Lords. Both were right: the Ministers had resigned in one sense, and not in another. They had resigned their offices into the hands of the King, but with an eye to keeping their seats in Parliament, without the aid of their constituents, in case his Majesty should call them back to office.

They had confidence in the King—they intrusted his Majesty with their offices; but had no confidence in the people, and feared to trust them with their seats. Thus they proceeded holding their seats in defiance of all their principles, as well as of all their constituents. They broke to pieces with no political party opposed to them, censuring and condemning the measures each of the other. The noble Lord, the Chancellor of the Exchequer, describing as abortive the whole Irish policy of the late right hon. Secretary for Ireland—condemning, in still stronger terms, the policy of the present Secretary for Ireland; the late Irish Secretary condemning the measures of the noble Lord—describing the policy of the Administration as full of juggling chicanery; Lord Grey condemning the House of Commons—ascribing the embarrassments of his Ministry to the nature of the motions, and of the business, which occupied the labours of the House. These were matters of grave consideration, when the same men, with few changes, were soon about to take again the reins of power. But the most important feature in these proceedings was, an Administration possessing the confidence of the House, which had lost the confidence of the country. What course of policy, or system of measures, of duties neglected or discharged, had severed that House from the people? If they turned from the ignominious close of the power of Lord Grey to its commencement, they would see whence this had sprung. Lord Grey, when he first entered office, declared the general policy on which his Ministry should proceed. The lessons to be derived from the fate of his predecessors in office were then recent. He said, before he was three hours installed in office, in words which were fit to be now called to the recollection of the House, that the people were not to be satisfied with a measure of Reform, when so many evils were pressing on them to which no remedy had been applied. On the contrary, he said,—'The state of the country shall be 'made the object of our immediate, our 'diligent and unceasing, of our first and 'most anxious, attention.'—'To relieve,' the noble Earl added, 'the distress which 'now so unhappily exists in different parts 'of the country, will be the first and most 'anxious object of our deliberation.'* It was in an evil hour for his power and the country, that Lord Grey abandoned that resolution, and betrayed the duty he prescribed. His Administration had inquired into no distress, nor redressed any of the real grievances, of the people. They disregarded the circumstances in which the people were placed, and directed their exclusive attention to effect innovations in the institutions under which they lived, and the laws and systems by which they were governed. How had the House itself been occupied?—night after night, Session after Session, they were engaged in ameliorating, as they called it, every institution, changing every law, improving every system. In this they proceeded, as they imagined, in accordance with the spirit of the present times—satisfying the desires, and complying with the demands, of the people. But, complying as they imagined with the demands, they had lost the confidence, of the people. No body of men assembled within those walls were less trusted by the country than themselves. Again, they heard those who boasted the loudest, at one time, of proceeding with the spirit of the age, complain at other times of what they called the pressure from without, and imploring even their opponents in humiliating terms to protect them from that pressure, and the country from dangers thus threatened. Did not these things point out that they mistook the character of the real spirit of the times, and of the real wants and demands of the people? The people valued, in fact, their institutions and laws by the benefits they dispensed, and the advantages they conferred. If wealth were diffused amongst the people, industry rendered prosperous, employment given to the labourer, and the great body of the productive classes satisfied with plenty, the people would be contented with institutions which philosophers might consider less than perfect, and support them with a loyalty and devotion, without which, on the part of the people, no institutions would be stable. But, if embarrassment and difficulty pervaded productive industry—if the increasing poverty of the productive classes were only brought into stronger contrast by the increasing luxury of the unproductive—if luxury and pauperism were now increasing together—if the resources of industry and prudence were fruitless—labour without adequate employment or reward—the people would regard institutions the most perfect, and those by whom they were administered, with suspicion and distrust; and, if unfortunately they had been taught to look for improvement in their circumstances to political innovations, then, with each successive disappointment, they would demand further experiments; and the foundation would thus be laid for the pressure of which they, the Ministers, complained,—and from which they could have no relief, except by applying themselves to remove its causes, by directing the labour of Parliament to redress the grievance, and alleviate the distress, of the country. These were the lessons which, it seemed to him, the past taught them. The Administration now formed, if it neglected those lessons, would encounter as many difficulties, and end in as much disgrace, as the last; but there was yet time to regain, by a different policy, the lost confidence of the country, and place the security of their institutions on the only sure foundations they could rest on—the prosperity and attachment of the people.

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* Hansard (third series), i. p. 608

Sir *Robert Peel:* As regards the expression of a little impatience by the House, of some parts of the speech of one so much entitled to attention as is my hon. friend, [*The House had betrayed some impatience when Mr. Attwood was speaking.*] I infer not a disposition on the part of the House to interrupt my hon. friend in the delivery of his opinions, nor that the House deem unworthy their consideration anything that might fall from him, but rather a feeling in which I must confess I participate—that it may be better to postpone the consideration of the effects the late changes in his Majesty's Government are likely to produce, till there shall be brought under the consideration of the House, and emanating from his Majesty's Government, some more distinct measure than the mere moving of a new writ. Being persuaded that such is the general feeling of the House, I will so far conform to it, that I will abstain on the present occasion from making any observations on the probable policy, or what may be the consequences of the policy, of the present Government. The noble Lord opposite having, however, stated, in very general terms, what are the principles on which the Government has been formed, he will, perhaps, not object, more particularly as we have now arrived at the 17th of July, and the Session must be drawing to a close—I say, perhaps, the noble Lord opposite will not, under these circumstances, think it an unreasonable request, if I ask him to explain further with reference to those measures now before Parliament, what is the application of the general principles on which the Government professes to be founded. On looking into the Order-book, I find that there are three measures which properly bear the name of Government measures; and they are perhaps the only measures in that book that are entitled to such a designation. I wish to ask the noble Lord, then, whether it is his intention to persevere, in the first instance, with the measure respecting Church-rates, and with the substitution proposed, of some other charges, for those rates. The second question I would ask is, what course his Majesty's Government intend to pursue with respect to the Irish Tithe Bill? The third question I have to ask is, whether his Majesty's Government propose to persevere with the Irish Coercion Bill, in the form in which it was brought in by the late Government, or whether they will substitute any other, and if so, what are the modifications that are contemplated? It seems to me probable, that the noble Lord will not be unwilling to make an explicit declaration as to these matters; I trust that, at all events, he will not think my request by any means improper.

Lord *Althorp*: In reply to the right hon. Gentleman, I beg to state, that as regards the Irish Tithe Bill, it is the intention of his Majesty's Government to persevere with that measure. With respect to the last question of the right hon. Gentleman, I have to inform him, that I shall give notice of my intention to move, to-morrow, for leave to bring in a Bill to renew the Coercion Act, with certain modifications, the nature of which, when I make the Motion, I shall state to the House. With respect to the other question, I am not quite prepared to state whether his Majesty's Government will have time to carry the measure to which he referred through Parliament this Session; therefore, if he will allow me, to that question I will not give him an answer.

Mr. *Baring* said, in looking at the course his Majesty's Government was likely to pursue, he could not help expressing his apprehension, that the security the country possessed, that his Majesty's Ministers would not go to extremes, was lost with the noble Lord who had left the Administration. He had always entertained the greatest respect for the noble Earl, as one of the chiefs of a party he had followed for a great many years, till he saw the necessity of abandoning the noble Earl when, as Prime Minister, he brought forward measures endangering, as he thought the best institutions of the country. Still he placed great reliance on what he knew to be the honourable and upright intentions of the noble Lord; he felt confident that the noble Lord would see the necessity of stopping somewhere—that he would not go on urging them headlong in a course of what the noble Lord opposite and his colleagues might call Reform and improvement, but which the country would describe in very different terms. He repeated, that the noble Earl was a security to the country that the Government, of which he was the head, would not adopt extreme measures. But the whole circumstances of the change which had now taken place—the manner in which it was made—the manner even in which that support had been given, to which there had been an allusion, and which had been so irregularly promoted through the clubs of St. James's, by way of advice to his Majesty's Ministers. [" *No no !*"] If not to his Majesty's Ministers, to his Majesty, in the exercise of his prerogative. Looking to the quarter from which this measure proceeded, and to the eager support which the noble Lord opposite received from those who, no doubt, believed they were discharging their duty conscientiously, but who were generally to be found arraying themselves in favour of measures which, in his opinion, would involve the monarchy, and, with the monarchy, the liberties of the country. Taking into his consideration all these circumstances, he could not help thinking, that the formation of the present Government justified extreme anxiety and apprehension. While some thought improvement, which was their name for revolutionary changes, could not march too precipitately, the great mass, comprehending the property and intelligence of the country, entertained a very different opinion. The former could not fail to have their satisfaction particularly increased by the changes that had occurred. He alluded more particularly to the appointment of the noble Lord (Lord Duncannon) to the office of Home Secretary. He entertained, to the greatest possible degree, personal respect for the noble Lord; and he had enjoyed the advantage of that noble Lord's private friendship. He should be believed, then, when he said, that it was with deep regret he felt himself called on to declare his conviction, that if the opinions of the noble Lord were allowed to prevail in the Government, the consequence would be nothing short of ruin to the whole of Ireland; in fact, the institutions of that country would be placed at the feet of the hon. and learned Gentleman, the member for Dublin. What were the objects of the policy of the hon. and learned Gentleman in Ireland he need not stay to inquire, because that hon. and learned Gentleman had over and over again announced them. Bearing those objects in mind, then, he repeated his apprehensions that the Protestant institutions and interests in Ireland would be completely placed at the feet of the hon. and learned Gentleman. With respect to the landed interest of the country, he would say nothing further than that the majority of the former Cabinet was adverse to it, or to those measures which the landed interest considered essential to its protection. Considerable reliance, however, was placed in the noble Lord who had retired, and who was its chief support. He could not therefore now avoid entertaining considerable apprehension for that interest, which was the one with which he was more immediately connected. He would not allude to what might be the personal feeling of the noble Lord on again accepting office—of the propriety of that act he, the noble Lord, was himself the best judge; but he would speak of the public considerations arising out of the change; and having no great confidence in the Government as it existed before, he should look to the measures of the present Government with additional jealousy and apprehension. He entertained these feelings more particularly with reference to the maintenance of the Protestant Church of Ireland, and the Protestant interests of Ireland. He apprehended, that in the same manner in which the Church of Ireland was to be violently dealt with, would there be an attempt hereafter to deal with the Church of England. Seeing, from the whole colour and drift of the changes that had taken place, that they were likely to affect those institutions of the country which, in his conscience, he believed essential to the maintenance of its liberties and civilization, he could not look at the changes without feeling considerable embarrassment. The best thing that could now happen to them was, that the noble Lord opposite should have the power to get rid of the business of the Session, and that the Parliament should be prorogued. Hon. Gentlemen now suffered great inconvenience in the present state of the atmosphere of the town, and their presence was most essential in the country; more particularly if the changes contemplated in the Poor-laws were to be carried into effect. That alteration would render their presence in the country of the utmost importance. He, therefore, sincerely hoped that the noble Lord would put forward the business of the country, and in the mean time explain to them what its present state was. He wished to hear from the noble Lord some statement with reference to the budget. Great changes had taken place in both our receipt and expenditure, yet no notice had hitherto been given as to when the financial statement would be brought forward. They had notices of other measures; and the right hon. Gentleman, the President of the Board of Trade, had lately made a statement, something in the nature of a budget, remitting taxation to the amount of 200,000*l*., or 300,000*l.* What had been done by the right hon. Gentleman had usually been done by the Chancellor of the Exchequer in a somewhat more regular way. They now had the forces marching together without any apparent object in common. In the management of public affairs, the settlement of the finances of the country used to be considered the most important; but they had been sitting month after month, doing nothing except listening to vague discussions on subjects in which the country took little interest. Before the noble Lord brought on his budget, he should move for the production of a paper which would show the entire failure of the noble Lord's plan for the reduction of the four per cents.

Mr. *O'Connell* said, unlike the hon. member for Essex, who had lugged in head and shoulders, matters on which to found complaints against the present Government, he rose to express the heartfelt gratification he derived from hearing the noble Lord opposite announce that he was to introduce the Bill which he called a Coercion Bill. He would implore the noble Lord to take up only the peace-preservation portions of the Act—those portions which gave the power to proclaim disturbed districts, and to increase the number of the police in a disturbed district. If the noble Lord resorted only to this, the measure would be properly described, not as the noble Lord had called it, but by its technical title of "The Peace Preservation Bill for Ireland." If the Bill went no further than this, he did believe it would have the support of every member for Ireland who sat in that House. At all events it would have all the support which could be afforded to it by the humble individual who was then addressing the House. No one was more anxious than he was, to give efficacy to a measure practically to ensure peace and the protection of property, and thus to enable well-disposed persons to remain in their houses, instead of being forced to quit them by the disturbers of public peace, and the violators of the rights of property. He could not but think that the course which the noble Lord had pursued was a complete vindication of those independent men in that House who had expressed the strongest anxiety with respect to this measure, and nothing was more proper than that the noble Lord who had retired from the Administration on account of his opposition to the Coercion Bill, should, on the principle that it was to be greatly modified, return to office. As to the Tithe Bill, it deserved the deepest consideration, and he hoped he should be able to show, that in the arrangements of that Bill, however well-intentioned it might have been—and he believed it to have been so—yet, instead of mitigating the evils, it most unfortunately would tend to aggravate them. If he could establish this, he did not despair of some other course being adopted by his Majesty's Government. He would recommend the postponement of this measure for the present, and they could then bring forward a measure more matured at the commencement of another Session. That he hoped the present Government would consent to do, and having said so much, he would have resumed his seat but for some observations in which the hon. member for Essex had indulged, in which he had alluded particularly to him (Mr. O'Connell) and to a noble Lord, who, if permitted to do so, he would call, in the language of the House, his noble friend. As to himself, the hon. member for Essex said that his objects were perfectly well known. He was much obliged to the hon. Gentleman for so saying. He wished to act with perfect courtesy to that hon. Member, but he could not return the compliment. He had been long enough a Member of the House to have heard the hon. Gentleman advocate, with equal ability, the principles of one side at one time, and of the opposite side at another time, so that it was far from easy to say what were the objects of the hon. Gentleman. Nay, in one and the same speech, he had heard the hon. Gentleman, if he mistook not, advocate both sides. However sensitive the hon. Gentleman might be as regarded the Protestant establishment in Ireland, and however anxious he might be to preserve it for the sake of the purity of the Protestant faith, the hon. Member must surely allow, that the late member for Nottingham was quite as good a Protestant as the hon. Member himself. When the hon. Gentleman said, that Ireland would suffer from that noble Lord having joined the Administration, he would ask the hon. Gentleman in what respect he could compare with that noble Lord? He would ask what connection with Ireland had the hon. Gentleman who ventured that assertion? While, on the other hand, was not the noble Lord intimately connected with the interests of the country—had he not the strong ties of property and of hereditary honours? Did the hon. Gentleman know that in Ireland there lived no family whose name was so honourably connected with the brightest periods of her history, or that was better known as the advocate of popular measures, and at the same time the most decided enemy of every faction and measure injurious to the stability of the Throne, or threatening to the liberties of the country? The accession of the noble Lord to office would be a source of great delight to the Irish people. They would see in it a pledge to them that it was the intention of the Government to act for the benefit of their country—that there would be no more measures for the mere support of a faction—that the instruments of faction would be laid aside, and that Ireland would at last have the advantage of a liberal and enlightened Government. That noble Lord knew Ireland perfectly, and loved her well, and his appointment to office was a pledge that his Majesty's Government seriously, honestly, and manfully, intended to look into the grievous abuses existing, with a view to their removal. He hailed it as a symptom of a most pleasing nature that the noble Lord was invested with power. It would be in vain to say, that he (Mr. O'Connell) had any personal object in eulogising the noble Lord; it was sufficiently well known that no one had more firmness of purpose—that there was not an individual who was less likely to be influenced in his judgment by any such appeal. The noble Lord was one whose judgment was formed by acts, and who was incapable of being swayed by anything which he (Mr. O'Connell) might say in his praise; indeed it could not be worth his while to accept from him this humble tribute to his worth. Talking of the noble Lord's name tarnishing the present Administration, he hailed it as the harbinger of peace to Ireland, and of honour and dignity to the Government.

Mr. *Gisborne* was one of those who was anxious that the present Cabinet should be able to maintain their position in the country, and he trusted they would do so by working out the principles upon which they had been supported. The Administration had suffered successive reductions and alterations, and had at last assumed the character of a pure old Whig party.

Sir *Robert Peel* interrupted the hon. Member to observe, that the present Government could not be said to consist of nothing but pure old Whigs, if it was part of the character of pure old Whigs to support pure old Whig principles. There was more than one individual on the Ministerial bench who could not lay claim to the denomination of a pure old Whig.

Mr. *Gisborne* continued. — The real question as to the present Government was whether they were prepared resolutely to carry the measures which the country required, and which the people loudly called for, or whether they intended to continue the same course of half measures and quarter measures which the late Administration had pursued?

Viscount *Palmerston* complained that the right hon. Baronet opposite had thought proper to make personal allusion to himself and his right hon. friend (Mr. C. Grant), by pointing to them, and observing that there were at least two Tories in the present Administration.

Sir *Robert Peel*: My remark was made in consequence of what fell from the hon. Gentleman who has just spoken (Mr. Gisborne). That hon. Gentleman said that the Tory members of the late Government had been gradually wheeled out, and that the present Government was a compound of "pure old Whigs." I observed that this was a mistake—that they were not "pure old Whigs," whereupon the hon. Gentleman concluded that I meant to say that they were Radicals. This I deny. What I meant to say was—that the present Government does not consist of "pure old Whigs." I did not say that they are Tory—but that they do not come under the ordinary denomination of "pure old Whigs." I recollect the noble Lord belonged to the Government of Mr. Perceval, to the Government of Lord Liverpool, to the Government of Mr. Canning, to the Government of Lord Goderich, and I thought, that inasmuch as he was a person who had formed one of each of these Governments, he could not come under the denomination of a "pure old Whig."

Viscount *Palmerston*: All I rose to say was, that if the right hon. Baronet meant to imply that myself and my right hon. friend were Tories, then certainly he has inspired me with some hope of a speedy improvement in the present condition of the country. I and my right hon. friend took an active part in forwarding the measure of Parliamentary Reform; we are also prepared to act on those principles which my noble friend (Lord Althorp) has stated to the House this evening—honestly and boldly to examine all the institutions of the country, with a view not to destroy but to strengthen them, by remedying their abuses and defects; and if, such being our principles and our views, we fall under the denomination of Tories, I am happy to hear the right hon. Baronet say so, because, as a natural consequence, I conclude that we are likely to have his support, and the support of his friends, in our efforts to carry those measures of improvement which we may feel it to be our duty to bring before the House. I must add, that I do not think the right hon. Baronet was well treated by the hon. member for Essex. The right hon. Baronet with his usual good taste and judgment, stated, that he should not, on the present occasion, go into any detailed criticism of the measures of the late or the present Administrations. The hon. member for Essex, however, had begun by telling us that he had been devoted through life, in personal feeling and public respect, to the noble Lord who has retired from the Administration.

Mr. *Baring* interrupting the noble Lord: Really the noble Lord is quoting what I never said. I did not state that I had been devoted through life to the noble Lord. What I said was, that I was an humble follower of the noble Lord in party politics, up to the period of the change when the Reform Bills were introduced. I did not say that I was devoted through life to the noble Lord; because, for several years past, the measures of the noble Lord have been such as I could not approve.

Viscount *Palmerston:* Really I had not mistaken the meaning of the hon. Gentleman; the correction is not very material. The hon. Gentleman told us, then, that he had been the follower of the noble Lord, during the greater part of his life, because he respected his private and personal conduct, and approved of his public principles. But it happened that, precisely at the moment when the noble Lord was in a situation in which he could carry his political principles into effect,—that, I say, was the moment in which the hon. Member thought fit to change his colours, and to enter into an active opposition to those measures which he formerly supported. That is the course which this hon. Member has pursued towards his leader; let us now see what his course is to another. The hon. member fights now under the banners of—I do not say he is bound absolutely thereby, but he is acting, apparently, in concert with the right hon. Baronet. Instead, however, of following the good example of the right hon. Gentleman upon this occasion, he did precisely the reverse of that which his leader had done. It is not necessary for me to go into a reply to what has fallen from the hon. Gentleman, respecting the noble Lord who now fills the office of Home Secretary; I agree entirely with what has fallen on that subject from the hon. and learned Gentleman, the member for Dublin. I trust that the present Government will obtain the support, confidence, and approbation of this House and the country, and I have a perfect conviction, from my long acquaintance with the noble Lord, that his measures will redound to the advantage and happiness of the empire, Sir *Henry Hardinge* said, he should not have said a word upon the present occasion, had it not been for the unmeasured attack which had been directed against his hon. friend (Mr. Baring) by the noble Lord. His hon. friend was accused of having deserted the party of Earl Grey. Yet, in his (Sir Henry Hardinge's) opinion, the circumstances under which his hon. friend had seceded from the party of the late Administration redounded highly to his honour. As soon as he was induced to consider that the policy of the noble Earl's Administration threatened danger to the State, he withdrew his support from them, and that was at the very time when the party he had hitherto been connected with had come into the possession of power. The conduct of the noble Lord had been very different. The noble Lord had been in the Administration of Lord Liverpool, Mr. Canning, Earl Ripon, and the Duke of Wellington; he had been with every Tory Administration up to the formation of the present Ministry; and, under these circumstances, his hon. friend need not fear any parallel with the noble Lord. After the noble Lord had been twenty years a Tory, and had approved of Tory principles, he ought not to be angry when he was reminded that he had not always belonged to the Whig party. Perhaps the term of "pure old Whig" might not exactly suit him either. He might, therefore, be called "a juvenile Whig, a pure juvenile Whig." With respect to the formation of the present Government, the only alteration he could find in it was, that they had got rid of Earl Grey, the leader of the Whig party, who was made the sole victim, and went out without a single follower from amongst all his recent associates and supporters. The noble Earl went out of office because he could not command the co-operation of his colleagues in office to pass a Bill which the noble Earl (Grey) considered necessary for the tranquillity of Ireland; and the noble Lord (Althorp), who had himself resigned office, now consented to return to it. It was not the proper time to discuss the principle of that measure; but when the Coercion Bill was brought in, he should be prepared to do so.

Viscount *Palmerston:* I beg to remind the House, since this matter has assumed a personal complexion, that I left the Administration of the Duke of Wellington, at a time when, in all human probability, the reign in office of his Administration was likely to be of very considerable duration. I differed with the members of that Government, and I left them on a question, not of first-rate importance certainly, but it was a question of reform.

Mr. *Baring:* Blame appears to have been imputed to me, because I could not concur with those extraordinary measures of change which were brought forward by the noble Earl. Now, I wish to state, that I never at any one period of my life voted for any general measures of Reform. — (*laughter.*) — I don't know what is meant by that laugh. It is a fact, that during the thirty years I have sat in Parliament, I never voted for any general measures of Reform, though I have voted for such measures as the extension of the franchise to Manchester, Birmingham, and other great manufacturing towns, and for increasing the representation of Scotland. Nor had I ever any reason to suppose, that the party I acted with meditated Reform of that description which was at last carried. I believe that Reform would not have been effected to so great an extent, had it not been for the change which occurred in the Administration. The measure which about that period was to have been brought forward by the noble and learned Lord (who was then Mr. Brougham) was of a very different character; and, in support of that, in all probability, I should have given my vote.

Mr. *William Peter* defended Ministers from the attacks which had been made upon them. In spite of the sneers and taunts of the hon. Gentleman opposite, he would maintain that a purer, a more enlightened Administration had never swayed the destinies of this great Empire—an Administration which had done so much to diminish the burthens, and to extend the liberties of the country. They had been true to their principles, and faithful to their professions. What had been their pledges on taking office? Their pledges were Peace, Economy, and Reform; and honestly and nobly had they been redeeming them. Notwithstanding the clouds which lowered in the political horizon, notwithstanding the convulsed state of Europe from one extremity to the other—notwithstanding the prophecies of the hon. member for Essex (Mr. A. Baring) who had pronounced it impossible to preserve peace for three months—yet peace (thanks to the generous and enlightened policy of the Government) peace had been preserved for three years! With respect to their next pledge, that of economy, it was well known to the House, that beginning with their own salaries, Ministers had reduced the expenses of every department in the State. They had abolished nearly 2,000 offices, and out of an expenditure of fifteen millions, all over which they had any control, (the remaining income of the country being swallowed up by the dead weight and the interest of the national debt), they had saved nearly four millions. So much for economy. As for liberty and Reform, it was enough to say, that they had abolished monopoly in the East, and extinguished slavery in the West; that they had broken down the fences of corruption and tyranny at home, and re-established popular freedom on the sure and lasting basis of popular Representation. These were deeds which would long live in the memory of their country and of mankind. But amidst the sneers and taunts and vituperations with which Gentlemen had assailed the present Ministers, he (Mr. Peter) was gratified to hear an hon. Member (Mr. A. Baring) do justice to the noble Earl so lately at the head of his Majesty's Councils. However tardy, the acknowledgment was still welcome; wrung as it had been from one who had so violently and invariably opposed all his measures. Now, that Lord Grey was gone, the hon. Member felt his loss, and was reluctantly obliged to confess his worth. But thus it often happened—

"—— Virtutem incolumem odimus,
Sublatam ex oculis quærimus invidi."

He (Mr. Peter) was no flatterer of the noble Earl, or of any other Minister; but this much he would say, that if ever there was a Minister who, above all others, deserved well of his country, that Minister was Earl Grey. Yes, in spite of every sneer and attack, he would repeat, that if ever there was a Minister—if ever there was a man whose long course of public and private virtue—whose unshrinking devotion to the best interests of his country—whose tried and unwearied consistency in the great cause of liberty and Reform, entitled him above others to the gratitude of a just and enlightened people, that man was Earl Grey. When the feuds of party should have passed away—when the clamours of faction should be hushed in the oblivious silence of the grave—when the characters of departed statesmen should be only honoured for their virtues, or only reprobated for their crimes—the name of Grey—of the author of the great, the beneficent, the enlightened measure of Reform, would be found in that proud list which consecrated a Somers, a Chatham, and a Fox, to the eternal gratitude of their admiring country.

Mr. *Henry Grattan* felt, that the new Ministry, as far as the measures contemplated towards Ireland were regarded, instead of throwing that country into the hands of the hon. and learned Member for Dublin, would, by acting as they proposed, rather take Ireland out of the hands of that hon. and learned Gentleman. He denied the statement made by a noble Duke in the other House, that more blood was shed under the late Administration than that of any which preceded it, and contended that more blood had been shed in Ireland at the period when the noble Duke himself had been Secretary for that country. He would caution the Government not to take the advice of their false friends, the Tories, who would support convulsion. He was hostile to convulsion and separation, and the next best thing he would do was, to oppose the Tories. Not long ago parties of armed men paraded within a few yards of the houses of two Magistrates, and fired shots in perfect security, as they were Kerrymen. To such a system he would not wish to return. He hoped the Government would, if possible, carry the Tithe Bill this Session, or, if not, that they would adopt the suggestion of Mr. O'Connell, and bring in a short Bill. Something was necessary to secure the peace of the country, and, for his part, he would sacrifice a portion of his property to attain that object. He gave the hon. Gentlemen opposite credit for what they had done, and though he did not think it proper to sign a certain paper, he still might concur in some degree in its sentiments. He now felt satisfied that he had done better in not signing the paper, as the support which he hoped their measures would enable him to give them would come with a better grace.

The Writ ordered.

DISTRESS (IRELAND).] Mr. *Sheil* rose to draw the attention of the House to the distress existing in the county of Tipperary. The present case was an urgent one, especially calling for the interposition of Government and Parliament, and embracing a great moral duty. He had apprised Government of his intention, and he had received letters from various parts detailing the terrible sufferings of the people. In the town of Thurles, out of a population of 7,000, 2,400 were in a state of utter destitution. (The hon. Member quoted several documents relating to the frightful distress in other parts of the country, including Galway and the neighbouring districts.) He did not go so far as to ask the people to be fed in idleness. He would merely suggest the plan of giving them employment for six weeks until the crops were ripe. He would do more, and suggest the source from which the funds could be easily supplied. The Commissioners of Woods and Forests expended the Quit and Crown rents of Ireland to the amount of 50,000*l.* a-year in England, in decorating Windsor Castle, and embellishing and enlarging this already overgrown and gorgeous metropolis. Now, was it not better to expend a portion at least of that sum in relieving the cries of famine, and arresting the turbulence produced by it in Ireland, than waste it all in architectural embellishments in London? But it was not alone on the grounds of humanity that he asked for such a fund and such means of relief, but on the grounds of national good and national economy. The Government themselves would gain by it. It was an unquestioned, because an unquestionable fact, that wherever public money was laid out in Ireland on works of public improvement great and permanent good resulted from it. The people, being employed, and having the means of subsistence supplied to them, diverted their attention from projects and deeds of outrage, which were but too often the result to which their poverty, their oppression, and their despair had goaded them. Besides this, new sources of fertility, of wealth, and of civilization were opened by the reclamation of wild and barren tracts, and their conversion into the scenes of industry, order, and comfort; by opening new communications between parts before shut up from all mutual intercourse, and thus affording an easy transit for the produce of the country. Whenever the Government advanced sums of money for such a purpose it was invariably repaid. Indeed it was on all hands admitted, as well by the resident Gentry as by the Agents of Government itself, that such grants were refunded with interest. The distress of the poor in Ireland was always attended with demoralizing and turbulent effects, especially in Tipperary, which was frequently the scene of dissatisfaction and disturbance; and it behoved a wise Government and a parental Legislature to interpose and arrest the evil. There was no relief to be expected in the country itself. The people had no Poor-laws; the great proprietors in the vicinity of Thurles, the chief seat of the distress, could not be reached, as they resided out of the country. The hon. Member concluded by moving, " That an humble Address be presented to his Majesty, that he will be graciously pleased to take the distress existing in the county of Tipperary and other districts in Ireland into his gracious consideration."

Mr. *Lynch* supported the Motion, and testified to the great distress in the counties of Galway and Mayo. They only asked for employment of the people. The funds laid out for such purposes were always repaid to Government, while the people were kept tranquil and the country much improved.

Mr. *Littleton* did not mean to deny that great distress existed in some parts, especially in Thurles; but he would deny, on the authority of official communications made to him, that it existed to the extent stated.—(The right hon. Secretary here read several letters on the subject, among the rest one from Major Miller, who was despatched by Government to report on the general state of the distress in Tipperary, to show that the distress was not so extensive as it had been represented). Government was not in the habit of advancing large grants of money without the concurrence of Parliament, though they were in the habit of extending relief partially and occasionally whenever a pressing case was made out. In the present instance Government had already made inquiries, and intended to go to every fair extent in affording aid. He was favourable to the encouragement of public works, and would recommend the completion of certain public works in Mayo and Galway, which, if not completed, would soon go to ruin, and which would cost only 13,000*l.* With respect to the precise Motion of the hon. Member for Tipperary, he would just ask why did not the Grand Jury of that county, which was a very wealthy one, raise funds by presentments? He did not think Parliament should be called on for contribution until the property of the parishes was assessed to the last farthing it could afford to pay. Why not compel the great land proprietors to pay?

Mr. *Hume* thought the principle of the right hon. Secretary was a good one. But the object of the hon. Member for Tipperary would be gained if Government interfered.

Mr. *Sheil*, in reply, expressed a hope that Government would institute a thorough inquiry. He also hoped, that the benevolent intentions of the Secretary for Ireland would be put in operation, and with those feelings he would beg leave to withdraw his Motion.

Motion withdrawn.

SALE OF BEER ACT AMENDMENT.] Sir Edward Knatchbull moved that the House should go into a Committee on the Sale of Beer Act Amendment Bill.

Mr. *Fysche Palmer* entreated the hon. Baronet and the House to pause before proceeding further with the measure. He would trouble the House only for a very few minutes, and that to bring to its attention a matter of great importance. The whole amount of the capital embarked was nearly 3,000,000*l.*, and the trade gave employment, partially or wholly, to nearly 100,000 persons. He felt quite sure that the hon. Baronet was not aware of those facts when he introduced his Bill, and he trusted that they would induce him to withdraw it. At all events they ought to be well considered, and if time were required for that purpose it would be advisable to postpone the Committee. For his own part he was extremely anxious to see the beer-shops properly regulated; but he could not consent to injure a large mass of property which had been embarked on the faith of an Act of Parliament. Let the police regulations be made as strict as possible, and let the qualification authorising persons to sell beer to be drunk on the premises be raised. To those alterations he had no objection; but let not persons who had confided in Parliament be injured. He was satisfied that his plan would answer; but, if it did not, next year would be sufficient time for the Bill of the hon. Baronet.

Sir *Edward Knatchbull* said, that after the discussions and divisions which had taken place with respect to this Bill, he certainly had not expected that any opposition would have been offered to his Motion for a Committee. The hon. member for Reading was mistaken in supposing that the points which the hon. Member had urged had escaped his attention. In fact the proposition which he intended to submit to the Committee, and which he had privately communicated to the hon. Member, would show that he was anxious that the measure should not interfere prejudicially with property. That proposition was, that the operation of the Bill should be limited to towns in which the population was under 5,000. He was obliged to draw some line of demarcation, and he thought that the one which he had adopted would be deemed a fair one. The evils under the Beer Act were felt in the rural districts, and not in the great towns; and, therefore, the limitation would not so much affect the efficiency of the measure as it would prevent a sudden and injurious interference with most of the property embarked. Having stated his intention to offer such a proposition, he trusted he need say no more to induce the House to go into Committee.

Mr. *Wilks* hoped that, on the 17th of July, at so late a period of the Session, and in the heat of the dog-days, the hon. Baronet would not press the Bill. Independently of this, there was another reason for delay. The longer this Bill remained before the public, the more they found that the real feeling of the public was against it, and that they had suffered themselves to be carried away by an interested and prejudiced clamour, and had been acting under delusions, which further explanation had tended to remove. The Beer Act had effected great good. It had increased the consumption of malt, and it had promoted the temperance of the country. He asserted, that such was the fact, and that the feeling of the country was against the Bill.

Mr. *Gisborne* said, the proposition was most unsatisfactory, and would render the measure extremely partial. He was anxious to see the sale of beer as free as the sale of tea, or any other article; but he was also anxious to see a high license imposed for selling it to be drunk on the premises. He must, therefore, oppose the present Bill.

Mr. *Tennyson* said, he should be glad

if any one could show him one single benefit which had resulted from the present Beer Bill. It had produced unmixed evil. The great difficulty was, to devise the best mode of retreating from the system which it had established, without doing serious injury to those who had embarked considerable property in speculations founded upon it. It was his intention, therefore, in the Committee, to propose, that the existence of the present measure should be limited to a certain period—say April, 1836—which would enable persons engaged in the trade to quit it without disadvantage. If that were not considered sufficient time, let the time be prolonged; only let some period be fixed at which the Act might be got rid of altogether. In some of the manufacturing districts, the Beer-shops had actually been made truck-shops; the master-manufacturers making a bargain with their workmen that they should drink their beer in particular places. He hoped the House would allow the present Bill to go into the Committee, and that additional means might there be devised for counteracting the existing evil.

Mr. *Hume* regretted to see the attempt that was making to restore monopoly. He was never so well satisfied with any measure of the Duke of Wellington's Administration as with that which laid the Beer-trade open. Yet now they were going to try back, and return to their old lair. Let them, at least, wait for the Report of the Committee on Drunkenness. Perhaps that Report might point out a mode of getting rid of what the right hon. Gentleman called "an unmixed evil," without depriving the poor man who happened to have twopence in his pocket from indulging himself in the purchase of a glass of beer. It was well known, that there had been a great increase in this country during the last twenty years in the consumption of spirits, in consequence of the heavy tax that had been laid on malt, by which the production of good and cheap beer had been prevented. The consequence was, that the people had been driven to drink gin. The tendency of the Beer Bill was, to diminish this evil; and now the House was called upon to re-establish it. He perfectly agreed with the hon. member for North Derbyshire, that beer ought to be allowed to be sold as freely in shops as sugar, or any other article of necessary consumption. He wished the noble Lord, the Chancellor of the Exchequer, could be persuaded to take off, were it only half the Malt-tax. He really believed, that the House would suffer very little from such a diminution of duty; for, when the duty on malt was only 10*s*. 6*d*., more beer was brewed than at the present moment, although with only half the population. He wished that the hon. Baronet would postpone his Bill till next Session. At least, if they passed the Bill directed against the indulgences of the poor, they ought to introduce into it some provision directed against the indulgences of the rich. They ought to put an end to club-houses, or, at least, to declare, that there should be but one club-house in St. James's Street for both Whigs and Tories.

Lord *Althorp* said, that his Majesty's Government had by no means been ignorant or unmindful of the evils which the Beer Bill had occasioned during the last three years; and, when the hon. Baronet took the subject up, they were exceedingly glad of the circumstance, and promised him their support. There could be no doubt that the mischief occasioned by the Beer-houses was more extensively and sensibly felt in rural districts than in towns. His hon. friend, the member for Middlesex, had recommended him to take off half the Malt-tax. His answer was, that he should be very happy to do so, if the state of the revenue would justify such a step. No doubt, the repeal of all taxes would be a great relief to the country; but, in the present state of its circumstances, the continuation of taxation was indispensable. It was certainly desirable that means should be devised of counteracting the evils which the Beer Bill had created, not in towns, but in rural districts. It was not law that was wanted so much as the power to carry the existing law into execution. The existing law was as severe as any one could wish it to be. He confessed, that when the Beer Bill was originally brought in, he had not expected that so many evils would result from it. Finding, however, that those evils were numerous and serious, he should certainly support the Bill, the tendency of which was to diminish them.

Mr. *Warburton* wished to explain the amount of the concession offered by the hon. Baronet. The number of parishes in England was about 15,500, and of those there were 15,262, which had each a population under 5,000; so that the exemption proposed by the hon Baronet would affect only between 200 and 300 parishes. There were 6,600 parishes, each with a population not exceeding 300, and upwards of 10,000 parishes, each with a population not exceeding 500. Now, it was in those small parishes that the difficulty of finding securities would be felt. He contended, therefore, that the concession was of little or no value.

Mr. *Pease* thought the concession underrated, for it would not only affect parishes, but also towns and cities. In York, for instance, there were twenty-four parishes, and of those only two had a population exceeding 500 each, and yet the whole would be exempt from the operation of the Bill. He thought the Bill might be made beneficial to all parties, and therefore he wished to proceed with it.

Mr. *Baring* hoped the House would confine the discussion to the main provisions of the measure, and not then enter upon the details, which were matter for the Committee. He was decidedly favourable to a free trade in the sale of beer, and if he thought the measure before the House would essentially interfere with that, he should oppose it, much as he was convinced, that the evils of the Beer-shops required removal. It was not in the large towns, but in the rural districts, that those evils were felt; and he thought the proposition of his hon. friend (Sir Edward Knatchbull) would remove the only valid objection which had been urged against the Bill. If they did not speedily exert themselves to put down those sinks of iniquity, the Beer-shops, it would be in vain to look to the rural population of England, otherwise than as a class rapidly declining in all those qualities which in former years placed them so high in the scale of society.

Sir *George Phillips* declared his conviction, that from all which had come to his knowledge, the Beer-shops had been productive of very serious evils. He read a letter which he had received from a master-manufacturer in the country, stating, that out of one hundred and seventy persons above the age of twenty-one, who worked in his factory, there were not ten who were not in the habit of visiting those Beer-houses, and there spending their time and their money in vice and debauchery. He defended the hon. Baronet from the unfounded charge which had been brought against him, of not having brought in his Bill sooner, and thought that the House would behave very ungratefully to the hon. Baronet, if, after all the trouble which he had taken on the subject, they did not allow the Bill to go into the Committee.

Mr. *Tower* observed, that many persons who had been brought to punishment for criminal offences, had confessed that the idea of committing those offences had originated in Beer-shops.

Mr. *Parrott* said, that although almost all the Magistrates in his neighbourhood condemned the Beer-bill, he could not concur with them in opinion. He believed that the merits of that measure were not duly appreciated. He was sorry, not only that a vulgar clamour had been excited against the Bill out of doors, but that that vulgar clamour seemed to make too great an impression in that House. He certainly did not approve generally of the measures of the Duke of Wellington's Administration, but he certainly thought that in passing the Beer-bill, they had passed one of the best measures that had ever received the sanction of the Legislature. Of course he did not impute to the hon. Baronet any such motive; but he was persuaded that the proposed Bill would be exceedingly injurious to the interests of agriculture. He hoped, therefore, that he would consent to withdraw it, and to give up all legislation on the subject. Out of thirty-six parishes where he had traced its operation, he had heard but of one case of delinquency which could in any way be traced to the Beer-shops. To the mode by which alone, in the hon. Baronet's Bill, the certificates could be obtained by the keeper of Beer-shops, he thought that great objection applied, that it might be turned to political purposes.

Mr. *Hall Dare* differed *toto cœlo* from the hon. Gentleman who had just spoken. If ever a measure had received the sanction of Parliament that was calculated completely to undermine the morals of the people of this country, and to increase the poor and the poor-rates, it was that measure passed by the Wellington Administration which the hon. Gentleman had so loudly praised. He had had a great deal to do with Magistrates in the country, and he was thoroughly convinced that no legislative measure had ever swelled the catalogue of crimes to so great an extent as the Beer Bill. In the county with which he was connected, the pernicious results of the Beer Bill were everywhere evident.

Major *Beauclerk* declared his intention of opposing the Bill in every way that he could. They passed laws of such a nature as to prevent a poor man brewing his own beer; they thus compelled him to leave his own home, and resort to the Beer-shop, and then they came forward with an attempt still further to abridge his enjoyments. In his opinion, the sale of beer ought to be free and unrestricted; it ought to be vended like tea, sugar, or any other article of general consumption.

Sir *Robert Inglis* said, the hon. Member had talked about the "vulgar clamour" which had been raised against the Bill. What did he mean by vulgar clamour?—who were these vulgar clamourers? Were they the judges of the land—the grand jurors of the counties—the magistracy—or were they to be found in that humble class more immediately interested in a reformation of the abuses of the present system? The question before the House, he begged leave to say, was one, not of principle, but of fact. They had now full experience of the working of the system which sprung up under the present Act. The experiment had been tried—it had signally failed—enormous abuses had been engendered; and it was the duty of the House at once to eradicate them.

The House divided—Ayes 105; Noes 35.—Majority 70.

List of the Noes.

Aglionby, H. A.
Attwood, T.
Blake, J.
Beauclerk, A. W.
Buller, C.
Codrington, Sir E.
Divett, E.
Fryer, R.
Gisborne, T.
Grattan, H.
Gully, J.
Handley, B.
Hume, J.
James, W.
Lister, E. C.
Lushington, Dr.
O'Connell, D.
O'Connell, J.
O'Connor, D.
Parrott, J.
Poulter, J.
Roche, W.
Roe, J.
Rolfe, R. M.
Romilly, E.
Romilly, J.
Ronayne, D.
Russel, W.
Scholefield, J.
Torrens, Col.
Trelawney, Sir W.
Vigors, N. A.
Walter, J.
Warburton, J.
Wason, H.
Wilks, J.

The House went into Committee.

The first Clause was agreed to.

Sir *Edward Knatchbull* proposed, that the second clause be omitted, and that the following Amendment be inserted—viz. "That every person applying for a license to sell beer, ale, cider, or perry, by retail, intending the same to be drunk on the premises, shall, in addition to an affidavit setting forth the particulars required in the said recited Act, annually produce and deposit with the Supervisor of Excise, or other person authorized to grant such license in any parish, a certificate signed by six persons residing in the parish, and respectively rated to the poor-rates to the amount of 10*l.*, but not maltsters; which certificate shall set forth that the applicant is of good character, and likely to manage the House in a peaceable manner; on the production of this certificate, the applicant shall be entitled to the license."

The omission of the second Clause was agreed to, and the question put on the Clause as amended.

Mr. Scholefield moved, that the word "annually" be omitted.

The Committee divided, on the Question, that the word "annually" do stand—Ayes 77; Noes 51: Majority 26.

Mr. *Warburton* objected to that part of the clause which had been put, for rendering it obligatory, that in all cases the annual certificate should be signed by six rate-payers. He moved, that three, instead of six, should be inserted in the clause.

Mr. Hume moved, that the Chairman do report progress.

The Committee divided on this Motion—Ayes 40; Noes 66; Majority 26.

The Clause was agreed to.

The House resumed, the Chairman reported progress; Committee to sit again.

HOUSE OF LORDS,

Friday, July 18, 1834.

Minutes.] Petitions presented. By Lord Suffield, from several Places, for Abolishing the Punishment of Death for Offences, against Property.—By Earl Grey, from Prearony, against any Alteration in the System of Church Patronage in Scotland.—By the Duke of Wellington, from Wakefield, for a Clause in the County Coroner's Bill.

Capital Punishment.] Lord *Suffield* rose to move the second reading of the Capital Punishment Bill, which, he said, as brought up from the other House, embraced two offences—letter-stealing, and returning from transportation. It would become necessary for him to propose in the Committee to restrict this Bill to the latter offence. His reasons for this were, the deference he felt for the opinions of the noble Earl late at the head of his Majesty's Government, who had expressed a desire for a more comprehensive measure after the recess, which might embrace other offences besides that of letter-stealing; and also his deference to an opinion expressed by the noble and learned Lord on the Woolsack, accompanied by an assurance that early in the next Session of Parliament, a Bill of a comprehensive kind should be introduced, when the Commissioners should have made their Report on the Criminal Law. He, however, felt that the responsibility would be too much for him to postpone this part of the Bill which abolished the capital punishment for stealing letters, were it not that he also felt convinced, that in future no case would happen in which the sentence of death would be carried into effect; for it was quite impossible, after the House of Commons, with the concurrence of the Law-officers of the Crown, had passed a Bill repealing the extreme penalty of death—it was quite impossible, in his opinion, that any Secretary of State should allow a person to be executed for the offence. The public, moreover, upon the faith that this punishment would cease to be inflicted for the crime in question, would now institute prosecutions, so that victims would be within the reach of the law, who would have escaped with impunity had it been supposed they would suffer death on conviction. To the other part of this Bill regarding the offence of returning from transportation, which was at present a capital felony, although never of late years punished capitally, he anticipated no objections. As, however, he was addressing the House upon a question which related to capital punishments generally, he would take the opportunity to advert to certain facts, which proved beyond all possibility of doubt and dispute, that capital punishment was less efficient in the repression of crimes than were other punishments—and further, that its indirect but certain tendency was to increase crime. The experience of various countries confirmed this observation. In Bombay, under the Recordership of Sir James Mackintosh, capital punishments had been altogether suspended for seven years, and the number of murders diminished during that period to six, whereas, in the preceding seven years, when twelve executions took place, there had been eighteen convictions for murder; so that the number of murders was diminished to one-third by discontinuing the use of the scaffold. The decrease was probably owing to public executions no longer continuing to brutalize the feelings of spectators, or to render criminals reckless and desperate in the Commission of crime. In France, too, in proportion as capital punishments became fewer, murders also became fewer. Thus, in the three years ending with 1827, there were 190 executions, and then 824 murders took place; but in the next three years, ending with 1830, when there were only 112 executions, the number of murders fell to 708. These effects were surely worthy of their Lordships' consideration. Now, if this result had occurred with regard to the highest offence—murder, *à fortiori* it would apply to all crimes of an inferior grade. It might certainly be expected that they would diminish in number, by diminishing the severity of punishment, in order to increase its certainty. But there were other countries where the same successful results had followed. In New York, only three crimes were capital—treason, murder, and burning a dwelling-house in the night. In Louisiana, capital punishments were altogether abolished by the code of Mr. Livingstone. In Hanover, its entire abrogation was under consideration at the present time. In Belgium, not a single execution had taken place since the revolution in 1830. Russia, too, it was well known, had got rid of capital punishment. Thus it appeared, that England was behind the rest of the world in retaining her present code of Criminal-law. Very fortunately, however, there was evidence of its great inefficacy, as proved by statistical returns in the papers laid before Parliament, which were of the most conclusive description. Never was there a greater mistake than in supposing, that capital punishment had the effect of repressing crime. If their Lordships looked to the official returns, they would find, that crime had increased greatly where the punishment of death was retained; but that it had virtually decreased where another punishment had been substituted. The difference on comparison was so great that he might venture to pronounce it unsafe to retain capital punishment. He might be told, that this was proving too much, but they should recollect how this effect was brought about—the public would refuse often to prosecute when the offender's life was involved — witnesses refused to give evidence—and Juries to convict; and in this manner it was, that criminality was encouraged by the offenders escaping with impunity. He must remind their Lordships, that although they were placed above the temptation of theft, they could yet remember that when some of them were in their boyhood at public schools, they were accustomed to estimate the consequences of juvenile delinquency, not by the degree of punishment denounced, but by the certainty of its infliction—and this was the reasoning employed by adults in crime. The best criterion of the number of crimes was the number of commitments; but even this was an imperfect one in the present instance, because, in instituting a comparison between offences still capital, and those that had lately ceased to be so, it must be recollected, that many now prosecuted would be allowed to escape with impunity, if their lives were still liable to be forfeited on conviction. Yet, in spite of this disadvantage, the comparison was immensely in favour of the removal of capital punishment, for taking all those offences subject to this penalty, it would be found from Parliamentary returns, that they had increased forty-four per cent, in the last three years, over the former three years, while, on the other hand, in the same period, the offences from which the punishment of death was removed had increased only two per cent, which was virtually a decrease, considering the increase of population. And then again look at the convictions — the average proportion of convictions for non-capital offences was seventy-two in every 100 commitments. So it was in those crimes that had lately ceased to be capital ; but for crimes still capital the average number of commitments was only forty-seven—twenty-five (the difference between seventy-two and forty-seven) escaping by verdict of acquittal, because the punishment denounced was death. This was a most important fact, for upon reference to the number capitally indicted in the last three years, it would be found that more than 600 prisoners, and these charged with the heaviest crimes, had been liberated by verdicts of acquittal, and set at large to prey upon society, for no other reason than because the law denounced a punishment to which public opinion was opposed. The fact was, that there was a growing conviction in society of the unfitness of this punishment. Even, as to the crime of incendiarism, the House of Commons, by sanctioning the second reading of a Bill now in progress, had pronounced its opinion that the present penalty was inadequate to repress the crime. Rewards were resorted to for the conviction of the offenders; but these also failed. The British public had an abhorrence of what was called "blood-money." Rewards were offered in vain. A case was lately tried at Northampton, as appeared in the newspapers, where a Jury, probably some of them farmers, showed their aversion to the capital punishment by bringing in a verdict of guilty (of arson), with a recommendation to mercy. During the last three years, so frequent were the acquittals of the charge of arson, that, out of 277 prisoners committed, only seventy-eight were convicted; that was, 200, excepting one, went unpunished. Here, then, instead of seventy-two per cent, being convicted, as in non-capital cases, there would be found to be seventy-two per cent, escaping with impunity, and only twenty-eight per cent, were punished. He was quite convinced, that the time was fast approaching when it would be found absolutely necessary to abolish capital punishment for many offences. There was a strong conviction on the public mind, that such a mode of punishment ought not to be inflicted, except in cases of murder; it was becoming a general feeling, that capital punishment should be abolished in all offences against property. It was shown by returns and accurate calculations, which might safely be relied upon, that crime had increased where capital punishment had remained the same, and had virtually diminished where a less severe punishment was substituted. In case their Lordships should agree to the second reading of the Bill, he would strike out the clauses to which he had previously referred.

The Duke of *Wellington* said, that the agitation of the question had produced one bad effect. It had induced Juries to suppose, that they ought not to find persons guilty of capital offences simply because a Bill had been introduced to abolish capital punishment. He considered, that such a circumstance ought not to have any weight, and that Judges and Juries were bound to act upon the law as it existed at present, without reference to any proposed alterations.

Lord *Suffield* said, that when the House of Commons had expressed an opinion, that the extreme penalty of the law ought to be removed from offences of a certain description, no Secretary of State, he thought, would be found to execute the law in such cases.

The *Lord Chancellor* observed, that although he was not himself a Secretary of State, and it was most unlikely he ever should be one, still, as he was the responsible adviser of the Crown in cases where the life or death of convicted persons was concerned, he was bound to say, that he differed entirely from his noble friend (Lord Suffield), for in any case which might be brought before him, he should feel himself called upon, if the circumstances of that case were such as to exclude any hope of mercy, to advise his Majesty, that the full sentence of the law ought to be carried into execution; and he would give that advice without referring at all to any Bill or measure that might be pending in either House of Parliament at the time having for its object the abolition of the capital punishment as regarded the crime in question.

The Duke of *Richmond* said, he did not rise to follow the noble Lord through his statement, nor should he detain their Lordships any length of time; but having presided for three or four years over the Post-office Department, which the Bill in its present shape materially affected (but the noble Lord had signified an intention to withdraw the clause in Committee), he felt it his duty to offer a few remarks upon the present occasion. With regard to the clause affecting offenders returning from transportation, he offered no objection whatever; but as regarded the other clause, he thought their Lordships ought not to abolish capital punishment (he meant the clause relating to stealing letters) until some good mode of secondary punishment had been adopted. Their Lordships would bear in mind, in this great commercial country, how numerous must be the letters passing through the Post-office. Not fewer than 100,000 letters every week passed through the General Post-office; and in the twopenny post there were 40,000 a day. In the course of a year many millions of money were thus transmitted through the Post-office department. By the regulations adopted there, there was a certain sacrifice of security necessarily made in order to obtain despatch. Several hundred persons were daily employed in assorting letters. These things being considered, he was of opinion that their Lordships would not think he was doing more than his duty when he called upon them to pause ere they consented to an alteration of the law, at least until a plan of secondary punishment was established. He knew that the motives of his noble friend were humane and praiseworthy, as well as the motives of the promoters of the Bill in the House of Commons, but it was the duty of their Lordships to see that they did not put in jeopardy the large sums of money which were transmitted through the Post-office department of the country. The only security which the public had was the honesty of the persons employed in that department, and the fear of punishment which awaited them if they transgressed the laws. There were hundreds of letters returned weekly to the Dead Letter-office, the parties to whom they were addressed not being found; and he believed that these letters contained money to the amount of 170,000*l.* during the period he had presided over the Post-office. In one year he recollected the amount of money sent to the Dead-Letter-office to be returned to the parties sending it was 25,000*l.* When it was remembered, from the practice of trade, that numerous letters were transmitted with money to meet bills, it must be admitted, that it was highly essential security should exist in the transmission of this money. But, above all, it ought to be borne in mind, that the poorer classes, who had neither agents nor bankers, ought to have their little property protected in thus transmitting it by letter—the only regular channel of communication which was open to them. He knew of many cases of great hardship, in which robberies had been committed on the poor in this way, and he would relate one as a specimen. A poor woman in Ireland, whose husband was dead, set up a shop, and her son having enlisted, she was anxious to purchase his discharge, but had no means of doing so except by the sale of a cow. Well, the cow was disposed of, and the money sent by letter to Dublin; but the letter was stolen by some scoundrel, and she was thus reduced to great distress. On his (the Duke of Richmond) hearing of the case, he applied to his noble friend at the head of the War-office (Lord Hill), who, with that kind attention which he had always evinced—immediately directed a free discharge to be sent to the young soldier. With such an instance before him, and he could state many others of a similar description, he could not suffer any mistaken feeling of mercy or compassion to influence his mind, and suffer it to outweigh the duty which he felt was due to the public. He was no advocate for capital punishment; but he must say, that the Legislature ought to pause and consider well whether a system of secondary punishments should not first be established before they consented to abolish capital punishment altogether. He hoped that during the ensuing recess his noble friends connected with the Government would find some means to effect so desirable an object. As his noble friend (Lord Suffield) had stated, that the sole object of the present Bill was to abolish the capital punishment in one instance only, namely, in the instance of returning from transportation, he would make no objection to support the second reading.

Viscount *Melbourne* said, that he did not rise to prolong the discussion, or to offer any observations on the present Bill. He merely wished to observe, in consequence of what had fallen from the noble Duke opposite (the Duke of Wellington), that, if a Bill were introduced in either House of Parliament which purported to take off the capital punishment from particular offences, that circumstance ought to have no effect whatever either on Judges or Juries to prevent them from carrying the existing law into full effect. If that principle were not acted upon, the effect would be, that either House of Parliament, by introducing a measure, might make a material alteration in the laws of the country.

The *Lord Chancellor* should not repeat what he had before said as to the Secretary of State not carrying into effect a sentence while the law continued to exist on the Statute-book, but he must remark on the ground upon which that doctrine, was founded. His noble friend in protesting against the doctrine had said, that it would enable either House of Parliament to alter the law. It was far worse it would enable any individual of either House of Parliament to do this. It would give a short-hand mode of Legislation, and put into the power of each man not a *liberum veto* to prevent a law, but to make one; for if he brought in a Bill to repeal a Law, and in that House it was as a matter of courtesy always read a first time, he might proceed no further with it and could yet, by the mere bringing of it in, obtain such an expression of opinion as to tie up the law for the future. This was what no one ought to be allowed to do. At the same time he was aware that after a Bill of this kind had received the express sanction of either House of Parliament, and was waiting for the sanction of the other, not only was the public officer affected in carrying sentences into execution, but Judges in pronouncing sentence, and Juries in finding verdicts. He had stated this in the other House of Parliament on the forgery question. He should not enter at large into the question of capital punishments; but he wished to remark to the noble Baron, that as two parts of his Bill were to be withdrawn in Committee, they were in fact now only debating the question of returning from transportation. He had stated the other night in accordance with the noble Earl then at the head of the Government, that it was better that measures of this sort should be taken up in a systematic manner, and he therefore recommended that this with other Bills of a similar kind should await the Report of the Criminal Law Commissioners, who had received, or shortly would receive, instructions on the subject. His noble friend the Duke who for so long a period had presided, with honour to himself and advantage to the public, over the department of the Post-office, mistook the ground on which he was in favour of a mitigation of punishment. It was not out of pity for the criminal as contradistinguished from commiseration for the person injured, but out of a severity—a just and necessary severity—towards the offender. It was because the severity of the law insured the impunity of the offender that he wished to put an end to that impunity by altering the law, and thus render it in reality what it was only in name.

Lord *Suffield* begged to say a few words in reply. The noble and learned Lord on the Woolsack was not arguing very correctly when he assumed that this question was taken up on the ground of humanity. For his own part he would say that it had nothing to do with humanity, nor was it taken up on any such ground. He as a Member of that House, brought it forward as he was one of those who wished to support laws the effect of which would be to suppress crime. Nor had pity any more than humanity anything to do with the matter. It was brought forward for the express purpose of rendering punishments more certain. As to what the noble Duke said, of the necessity of having capital punishment applied to letter stealing, if the offence were likely to increase by the abolition of the capital punishment he would not contend for the abolition. He had the authority of the noble and learned Lord on the Woolsack for his opinions on capital punishment. That noble and learned Lord in a speech delivered in the year 1830 said, 'If the law as it still stood had little 'weight in public estimation before then, 'in what light was it likely to be looked 'upon hence forward? If men's feelings 'rebelled against it before, would not 'their opinions and prepossessions be for 'ever rooted and confirmed by such a division of the House of Commons? 'Would it not operate practically on prosecutors, on witnesses, on jurors,—ay, 'and on Judges themselves? Not six 'months ago had a Judge declared 'to him, in reference to the probable 'change of the law as it respected this 'offence, that, sitting as Judge he could 'not help revolting at the idea of leaving 'a man for execution at a time when 'Parliament was engaged in a deliberation, the result of which might be, that 'his blood would be the last which should 'ever be shed for the crime of forgery. 'With so many reasons to induce them 'to abolish this punishment, and so little 'to encourage them to retain it, he hoped 'that they would not hesitate to do a 'service to humanity and expunge it for 'ever from their Statute-book.'* When the noble and learned Lord had expressed such sentiments it was not too much for him to hope for the support of the noble and learned Lord.

The Bill was read a second time.

Lord Wellesley's Correspondence.] Lord *Wharncliffe* said, that he had already stated to their Lordships that he for one would not assent to any measure of the nature which it was stated would be proposed to the House of Commons in lieu of the Suppression of Disturbances (Ireland) Bill, which now stood for a third reading in their Lordships House, without some further information as to the grounds on which their Lordships were to be called on to change their opinions in reference to that measure. In order to lay before their Lordships the reasons which induced him to think that they were bound to call for some further inquiry as to the grounds on which the members of the Cabinet, at least in that House, could justify their change of opinion on the subject, and the grounds on which their Lordships would be called upon to assent to such a modification of the measure—in order to do that, it would be necessary for him to go into a review of the circumstances which attended the introduction, not only of this Bill, but of the Bill which it proposed to continue, and which had been passed last year. On that occasion the noble Earl lately at the head of the Government, and the noble and learned Lord on the Woolsack, made as an apology, as an excuse for bringing forward a Bill the enactments of which they described as so severe, that such a measure was absolutely necessary for the preservation of the Government and peace in Ireland—on the faith of that representation, the House of Lords passed the Bill. It then went to the other House, where after having been considerably altered, it was returned to that House. Their Lordships then, rather than throw any impediment in the way of the Government, cheerfully submitted to those alterations, and so the Bill passed. Then came the Bill of this year. Previous to its introduction several questions had been asked at different times of the Government whether it was their intention to renew the Act of last year. At last the noble Earl opposite, lately at the head of the Government, stated that the time had come when, after mature deliberation, it was the intention of Government to introduce a Bill for the purpose of renewing that Act. Accordingly, the noble Earl on the day appointed brought forward such a Bill. He on that occasion stated at some length the information which had been received by Government from the Lord-lieutenant of Ireland on the subject, and which constituted the grounds on which they thought fit to introduce such a Bill to their Lordships. The noble Earl in doing so made a speech which few could equal in that House. In the course of that speech he laid before their Lordships circumstances demonstrating the necessity of renewing the greater portion of the Bill of last year, and he stated precisely those parts of the Bill which could be omitted without detriment to its efficiency. The noble Earl then stated, that the Cabinet had looked at the measure with an anxious desire to diminish its severity; and that after much deliberation it was their opinion that the clauses relating to Courts-martial might be omitted, but that it was necessary to retain the two clauses at the beginning of the Bill in reference to political meetings; and that necessity, the noble Earl urged strongly to their Lordships. The noble Earl stated, that the agrarian disturbances throughout the country, which it was the great object of the Bill to put down, might be traced to the political meetings and agitation in Dublin and elsewhere. The noble Earl stated distinctly, that it was a mistake to suppose that the meetings of the peasantry in the country were not connected with the agitation that was kept up in Dublin, and he insisted upon the injustice that would be committed, if they should pass the Bill without the clauses for putting down that agitation; upon that recommendation their Lordships read the Bill a first time. The first reading of the Bill took place on the 1st of July—on the 3rd of July a discussion took place in the House of Commons, and circumstances were disclosed which had undoubtedly led to the changes they had seen occur in the Administration. The noble Lord, after going into a statement as to what occurred on the 3rd of July, in the House of Commons between Mr. Littleton and Mr. O'Connell, proceeded to say, that he had nothing to do with the complaints made on either side on that occasion—he would only address himself to the effect of the communication, which, from that discussion, it appeared had been made by the right hon. Gentleman, the Secretary for Ireland, to the hon. and learned member for Dublin. It appeared from what was then stated, that that communication had been made by the right hon. Gentleman to the hon. and learned member for Dublin upon the 20th of June. It appeared in a subsequent discussion in the House of Commons, that the noble Lord (the Chancellor of the Exchequer) admitted, that the right hon. Gentleman communicated with his consent with the hon. and learned member for Dublin, but that he went to an extent in that communication, that he (the noble Lord) did not intend. Before he (Lord Wharncliffe) would go further, he would just observe, that the noble Earl lately at the head of the Government in the speech which he made on his secession from the Administration, stated, as he understood, that the first knowledge he had that a change had taken place in the opinion of the Lord-lieutenant of Ireland on the subject, was derived from a letter dated the 21st, and received the 23rd of June. So here, after the Cabinet had deliberately resolved upon bringing forward the measure, a communication without the knowledge of the noble Earl at the head of the Government was made to the Lord-lieutenant of Ireland on the subject; the Lord-lieutenant, in consequence of that communication, changed his opinion, and before the noble Earl at the head of the Government was made acquainted with that change of opinion, it was communicated to the hon. and learned member for Dublin, and that too with the assent of one of the noble Earl's colleagues in the Cabinet, the noble Lord, the Chancellor of the Exchequer. That was the position in which the matter stood as to dates. With respect to the communication thus made to the hon. and learned member for Dublin, he must say, that at the very first bruiting of the matter, he was astonished in the greatest possible degree that the right hon. Secretary for Ireland should, of all mankind, be the person to communicate with that hon. Member upon any subject whatever. The right hon. Secretary for Ireland had had more than one warning as to the effects to be anticipated from having any dealings with that hon. Member; not only at the commencement of this Session, when the right hon. Gentleman was made the dupe of that hon. Member, on the occasion of the Motion with regard to Mr. Baron Smith, had he a distinct warning what he might expect from holding communications with that individual, but so far back as the year 1830, the right hon. Gentleman received a pretty good warning on the occasion of the Truck Bill, which he then introduced, as to what he was likely to gain by holding communication with Mr. O'Connell. That learned Member was the person in private to dissuade the right hon. Gentleman from including Ireland in that Bill, and he afterwards was the person to cast censure in public on the right hon. Gentleman for having done so! Having had those warnings, the right hon. Gentleman surely should have been cautious how he dealt with such a person. Yesterday, the noble Viscount, now at the head of the Administration, had referred him to the fact, that Members of the Government were often in the habit of conferring with members of the Opposition as to the business in the House of Commons. He was quite aware, that the practice had been so for years, and he had no doubt that it was productive of the best effects. But he must say, that such communications always took place between persons of either party who were certain that the dealings between them would be conducted with honour and honesty. If the least doubt could be cast upon the honour or honesty of the party in opposition, no communication would be made to such a party by the Government. They would then say, as it would be their duty to say, "We have determined on a certain course of conduct; we will hold no communication with such a person as you on the subject, and we set your opposition at defiance." What did the right hon. Gentleman? He communicated to the learned member for Dublin that his opinion and the opinion of the Lord-lieutenant of Ireland were against the renewal of the first two clauses of the Bill, and he did that at the time that the noble Lord at the head of the Administration had actually decided upon the necessity of retaining those clauses. The explanation to which he had already referred took place between Mr. Littleton and Mr. O'Connell in the House of Commons on the 3rd of July; on the 4th of July, the Bill was read a second time in that House; on that occasion, a noble Earl (Lord Durham) stated, that he could not support those clauses of the Bill relating to political meetings, and upon the same occasion the noble and learned Lord on the Woolsack got up, and in reply to the objections of the noble Earl, made one of the best and most convincing speeches that possibly could be made in support of those very clauses. The noble and learned Lord upon that occasion powerfully and eloquently dwelt upon the injustice of bearing with a heavy hand upon the meetings of the peasantry, whilst they pressed lightly on the meetings of the agitators, to whose exactment the agrarian disturbances were mainly owing. This speech, their Lordships would observe, was made upon the 4th of July. Upon the 3rd of July, the explanation had been made in the House of Commons, from which it appeared, that an alteration of opinion had taken place, at one period or another, in the mind of the Lord-lieutenant of Ireland with respect to this part of the Bill. If the effect of that disclosure had been, as the Chancellor of the Exchequer afterwards stated, to make him regard it as necessary to resign, how did it happen that he allowed his noble friend then at the head of the Government to press the second reading of the Bill under such circumstances through that House upon the very following day? If the nature of the communication of the Lord-lieutenant of Ireland was such as to place the noble Lord, the Chancellor of the Exchequer, in such a position, as he himself afterwards stated, that he could not meet the House of Commons upon this measure with satisfaction to himself or advantage to the country—if, he repeated, that was the case, why allow the noble Earl to press the second reading of the Bill through this House. But that was not all. Upon the 7th of July, another debate took place in the House of Commons, and upon that occasion, the noble Lord, the Chancellor of the Exchequer, stated, that the measure was brought forward with the entire concurrence of the Cabinet, and with the sanction of the Irish Government. The noble Lord was then aware, that there had been a wavering of opinion on the subject on the part of the Lord-lieutenant of Ireland; the noble Lord was then fully aware of the difficulties he would have to encounter in pressing such a Bill under such circumstances through the House of Commons, and yet he allowed the Bill to be read a second time in the House of Lords, and their Lordships actually to go into Committee upon it. Upon the occasion to which he was alluding, the discussion in the House of Commons the 7th of July, Mr. O'Connell moved, that the correspondence of Lord Wellesley, then laid before the House, should be referred to a

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* Hansard, new Series, vol. xxv. p. 77.

Select Committee to report thereon. Before he stated the division, he would just refer for a moment to an incident which occurred in that debate, and which had been alluded to by the noble Earl lately at the head of the Government, in the speech which he made on resigning his office. The noble Earl had referred to an opinion expressed in that debate by the right hon. member for Tamworth, as to the propriety of the Government producing the letters of Lord Wellesley that were then called for, and in which it was said, he had expressed his opinion as to the non-existence of a necessity for the re-enactment of those clauses against political meetings. It was quite true, that the right hon. Baronet did urge upon the Government the necessity of producing those letters of the Lord-lieutenant to the noble Earl, in which mention was made of the alteration which had taken place in the Lord-lieutenant's mind with regard to this Bill. But though under the circumstances of the case the right hon. Baronet did suggest to the Government the propriety of producing that letter, he, at the same time, never made any Motion for that purpose, and it was exaggerating greatly the effect of the right hon. Baronet's speech on that occasion to suppose, that he would have supported such a Motion, if it had been made. The debate on that occasion went on, and in the course of it the right hon. Secretary for Ireland assured the House, that Lord Wellesley's opinion was then in favour of the Bill. Upon a division, there were seventy-three for the Motion, and 156 against it, leaving the hon. member for Dublin in a minority of eighty-three. Well, what occurred then? Why, on the next morning the noble Earl (Earl Grey) and the noble Lord (the Chancellor of the Exchequer) resigned their offices, on the ground, as the noble Lord (the Chancellor of the Exchequer) afterwards stated, that he (the Chancellor of the Exchequer) could not, in consequence of what took place in that debate, conduct with satisfaction the business of the Government in the House of Commons. The noble Earl had himself told them, that he had taken considerable pains to induce his noble friend, the Chancellor of the Exchequer, to withdraw his resignation, but that finding it impossible to do so, and finding that he had lost his right arm—such was the noble Earl's expression, in losing his noble friend, he also thought it his duty to resign his office. The noble Earl had certainly kept his word; but he (Lord Wharncliffe) was sorry to say, that the noble Lord, the Chancellor of the Exchequer, had not. It remained for that noble Lord, after all that had passed, to show that he was justified in again taking office, and in conducting the Government of the country under circumstances precisely similar to those that existed when he resigned. It did not appear to him, that any thing that occurred in the debate in the House of Commons on the 7th of July was sufficient to justify the noble Lord, the Chancellor of the Exchequer, in resigning his office. No difficulty apparently resulted from that debate in conducting this measure through the House of Commons. The House had, by a large majority, rejected the Motion of the learned member for Dublin, for referring the papers on the subject of the Coercion Bill to a Select Committee, and it was plain, therefore, that the House would, under such circumstances, reject any Motion, if such should have been made then, for the production of the Letters of Lord Wellesley. He must contend, that the causes assigned by the noble Lord, the Chancellor of the Exchequer, for resigning office were altogether insufficient. The noble Lord expressly said, that he resigned office in consequence of this disclosure as to the alteration of opinion in the mind of the Lord-lieutenant of Ireland. It was clear, therefore, that that disclosure, as to the Letter of the Lord-lieutenant of Ireland, had been productive of the resignation of the noble Lord. In consequence of that resignation, the noble Earl opposite (Earl Grey), on the 9th of July, made a speech in that House—a speech full of eloquence and feeling—a speech, however, which he had heard with the deepest regret. He had often opposed that noble Earl,—he opposed him upon Parliamentary Reform, and he was still of opinion, that the extent to which Parliamentary Reform had been carried by that noble Earl's Government, had placed the country in the greatest difficulties. He was sure, however, that the conduct of the noble Earl upon that subject had been the result of the sincere conviction of an honourable mind. It would be far from him to say, that the noble Earl's political character had been at all lessened on that account. The noble Earl, in the course of the speech he made on the occasion of his resignation, detailed the circumstances which had led to this correspondence with Lord Wellesley, and to its disclosure; and he must say, that, after hearing the noble Earl's statement of those circumstances, the impression on his mind was, that no first Minister of the Crown had ever been so ill-treated by the persons under his guidance. The noble Earl, on that occasion, stated, that he had various difficulties to contend with in his Government, and he more especially alluded to difficulties arising from that House. There might have been such difficulties arising from the opposition of that House, but he was sure the noble Earl would give him credit for not having given his Government any unnecessary or factious opposition. But, whatever those difficulties might have been, he was sure they were nothing when compared to the difficulties which the noble Earl had experienced from the conduct of his colleagues in the Cabinet. In the course of that speech the noble Earl described to them the circumstances under which the communication had been made by the right hon. Gentleman, the Secretary for Ireland, to the hon. and learned member for Dublin. The noble Earl told them, that he was no party to those communications; that they had been made not only without his concurrence, but without his knowledge; that it was his fixed opinion, that no terms should be kept with the person to whom those communications had been made; that he was not a person who could be safely communicated with on any subject; and that if he, the noble Earl, had been previously apprised of the matter, there was no power or influence that his situation gave him that he would not have exerted to prevent any communications being made to such a quarter. In spite of all that, however, the first Minister of the Crown, in the House of Commons, did communicate with that person through the Secretary for Ireland. That right hon. Gentleman not only made the communication which he was authorized to make by Lord Althorp, but he went a great deal further, and he told the hon. member for Dublin, that his opinion, and the opinion of the Lord-lieutenant of Ireland, were against the Bill in that shape, be it remembered, which, after mature consideration, the Cabinet had determined to bring forward. He must confess, that he felt great astonishment at the conduct of the noble Lord, the Chancellor of the Exchequer, throughout the late transactions. During a large part of his life he had sat with that noble Lord in the House of Commons, and he entertained, in common with all who knew him, the greatest respect for him. Indeed, no man's character could stand higher than that noble Lord's, and it was his character alone that could preserve him on the present occasion. He would venture to say, that had any person of more equivocal character done what that noble Lord had done, very different consequences would have resulted to him from it. He knew it had been said, that that noble Lord was, of all others, the most capable of managing the House of Commons, so as to conduct the business of a Government there with satisfaction to the country. The noble Lord certainly had a happy and peculiar knack of managing the present House of Commons. His mode of management was a new mode; it was one adopted at considerable risk; it consisted simply in constant concession. Even with regard to this Coercion Bill he still pursued the same mode; namely, concession. He resigned his office through fear of a Motion of the hon. member for Dublin, and on account of certain hints thrown out by the right hon. Baronet, the member for Tamworth, as to the necessity of having those Letters of Lord Wellesley produced. The noble Lord and his Majesty's Government should not have made such concession, when, after the fullest consideration, they brought in this Bill, stating that it was necessary, for the support of the Government of Ireland; they should not have been afraid to have sent it down to the House of Commons. He was sure that, if the House of Commons truly represented the feelings and opinions of the country, it would not have rejected such a Bill. But the noble Lord's mode of management, on the contrary, was to give way to the hon. member for Dublin, point after point, and to raise him higher and higher every day in the opinion of the people of Ireland. Such would be the natural result of the conduct of his Majesty's Government. Having proposed this measure in the first instance, they should have adhered to it. The noble Viscount told them yesterday, that he had accepted office, rather than leave his Sovereign without an Administration; that he was fully aware of the difficulties with which he was surrounded; and he further said, that he called upon their Lordships for their assistance and support. That was the right way for a Minister of the Crown to act. That was the right way to appeal to a public assembly in this country, and more especially it was the right way to speak to a reformed House of Commons. The Government should have pursued a straightforward, manly, and direct course. They should have steadily appealed to the feelings of the people of the country, and they should have asked the House of Commons to pass this measure, throwing on it the responsibility of rejecting it. The present Government had no right to complain of a want of support in the House of Commons, and there was little danger that a measure of the kind would have been rejected there. Having now gone through a history of those transactions, he would briefly lay before their Lordships the grounds upon which he thought that those Letters of the Lord-lieutenant of Ireland should be produced, in which Letters, as appeared from the discussions in the other House, that noble Lord had at some time or other expressed himself unfavourable to the renewal of those two clauses against political meetings. It was desirable to know, after the Lord-lieutenant had stated in the first instance the necessity of re-enacting those clauses, what had afterwards caused at any period a change in his opinion on the subject. If the Bill, which now stood for a third reading, was persevered in, of course no one would call for this correspondence. But as the measure was to be altered, and avowedly, too, in consequence of the disclosures made with regard to this correspondence, their Lordships, before they were called upon to consent to such a measure, would have a right to see what that correspondence was. They had been told, that it would be vain to pass this Bill, as the House of Commons would reject it. Why not try the House of Commons, and throw upon it the responsibility of rejecting those clauses? But they were then told, that it would be idle to attempt to pass such a measure in the House of Commons, after it was known that there had been a wavering of opinion on the part of Lord Wellesley with respect to it. Now, if steps had been taken, and there was no denying the fact, in consequence of those letters, their Lordships had a right to know what they were. On the 18th of April, the Lord-Lieutenant of Ireland wrote to the effect that this Bill was absolutely necessary. It appeared that he was now of the same opinion. They were told, however, that in some communication which had taken place in the interval, he had exhibited a different opinion. The letter, he believed, was a private letter to the noble Earl opposite, and that might be made an objection to its production; but he hoped that under the circumstances such an objection would not be persevered in. On the production of the measure brought forward by the noble Earl, no steps had been taken upon the letter, and there was no reason for calling for it. But their Lordships were now in a different position,—a new Bill was brought forward, founded on the letter of the 21st of June, which it was therefore necessary to lay before the House. The noble Lord who conducted the business of the Government in the House of Commons said, that he could have fought the Bill as it stood, till it was discovered that there existed a wavering on the part of the Lord-lieutenant of Ireland, therefore it was evident, that the foundation of the altered measure consisted in that letter, the production of which, consequently, was absolutely necessary. He could not, for the life of him, see how such a communication could be justly called a private communication. There were two grounds for the alteration of the Coercion Bill—the letter of the 21st of June, and an apprehension that the House of Commons would not pass a larger measure. He did not know that the Commons would not have passed the Bill as it was originally introduced in the Lords, if the Government had proposed it to them; but, putting that consideration aside, he argued, that the House was entitled to ask for the production of the letter, which, being the foundation of a public measure, could not be called a private communication. He thought that the noble Earl and the Government would see that the time had arrived when Parliament ought to have that document before it, with a view to enable noble Lords to ascertain whether the wavering of the Cabinet was well-founded. It was the more necessary to have the letter on the Table, inasmuch as the noble Earl (Earl Grey) had stated, that it was written in consequence of a communication made by a person connected with the Government to the noble Marquess (the Marquess Wellesley), referring to the state of things in this country, and the difficulties of Government here. He could not see any sufficient ground for objecting to the production of the letter under such circumstances. He waited to hear what objections might be offered by noble Lords opposite. He did not wish to obstruct the transaction of public business, or to throw needless obstacles in the way of the Government; but he thought that, in reference to a Bill so earnestly called for, and so important as this, their Lordships had a right to the production of the letter in question. He could not accept as an excuse for remodelling the Bill that it could not have passed the Commons in its original shape, and therefore he demanded to be put in possession of the other ground for the alteration—namely, the letter of the 21st of June. He would here observe, that though amended by the Commons, the original Bill might still have passed their Lordships' House on being again sent up to it. In conclusion, he should move, "That an humble Address be presented to his Majesty, praying that he would be graciously pleased to direct that there be laid before the House a copy of any communication received from the Lord-lieutenant of Ireland, stating the grounds of his having altered the opinion expressed in his Excellency's letter of the 18th of April last to Viscount Melbourne, in favour of the renewal of the Bill for the Suppression of Disturbances in Ireland."

Viscount *Melbourne* rose for the purpose of opposing the Motion, on the grounds already anticipated by the noble Baron—namely, that this was a private communication which could not be fairly called for by the House. It was a confidential letter addressed to the Prime Minister, with whom the Lord-lieutenant held no official correspondence, and not to the Secretary for the Home Department, with whom it was usual for him to have such correspondence, and no reason had been stated to induce the House or the Government to consent to so great a violation of principle as was now proposed, or to adopt a course entirely new and unprecedented, the effect of which would be to violate the secrecy of private and confidential correspondence, to shackle and impair the security of all future communications with Ministers, and to set a precedent inconvenient in the highest degree to the public service. These were the grounds on which he felt bound to oppose the production of the document in question. Considering the course which Government had now taken in reference to the Coercion Bill, he frankly admitted, that nothing could be more advantageous to himself and the Government than the production of this letter, which would so completely justify their conduct. He, of course, was master of the substance of its contents, and the reasons contained in it, and, no doubt, noble Lords opposite knew its purport pretty well; and such being the case, he did not hesitate to repeat that nothing could be more advantageous to Government than laying this communication before their Lordships. He would not, however, further advert to its contents. The noble Lord, he was bound to admit, had made a fair and candid statement, and, putting aside some bitter and unintentionally unfounded insinuations against the noble Chancellor of the Exchequer — insinuations, however, which his noble friend's character would enable him to set at naught—the noble Lord had made not only a fair and candid, but an accurate statement of facts. Therefore, it was unnecessary for him to make a further statement of facts, or to go further into circumstances from which, however, the noble Baron had most undoubtedly drawn inferences that were not borne out, and which could not be justified by those facts. It was perfectly true that the Chancellor of the Exchequer did authorize the right hon. Secretary for Ireland to communicate to the hon. and learned member for Dublin that the question as to the extent of the Coercion Bill, and the particular clauses to be introduced into it, was not yet finally decided. That, as he understood, was the extent to which his noble friend had authorized the right hon. Gentleman to go in his communication with Mr. O'Connell. It was to be regretted, however, that the communication had been carried further. Even the fact of any communication at all had been censured; but considering the position which Mr. O'Connell held in the country, and the part which he took in public business, it must be admitted that it would be extremely difficult for any one to conduct the business of the House of Commons without being compelled at some time or other to communicate with the hon. and learned Gentleman. He had stated the extent to which the communication in question had been authorized by the noble Lord; they all knew that it was carried very much further by the right hon. Gentleman, and Government undoubtedly regretted that it had taken place. In the Cabinet there was certainly a difference of opinion on the subject of the Coercion Bill, as every body now knew; but although several members of the Government thought that the letter of the Lord-lieutenant of Ireland afforded strong grounds of objection to the clauses against public meetings, they yielded to the opinion of the majority, and therefore his noble friend was perfectly authorized in stating in the other House of Parliament, that the Bill had been brought in with the concurrence of the whole Cabinet, and with the assent of the Lord-lieutenant, that noble individual having stated, that he was ready to carry on the Government of the country in whatever shape that measure should be introduced. Under these circumstances, the noble Chancellor of the Exchequer met the House of Commons, when he found that not only had the communication which he authorized been made to Mr. O'Connell, but that the hon. and learned Gentleman was put in full possession of the letter of the Lord-lieutenant, and of the differences in the Cabinet on the subject of the Coercion Bill. [The *Lord Chancellor:* The hon. and learned Gentleman was apprised of the substance of the letter.] He should have said, that the hon. and learned Gentleman was put in possession of the purport of the letter, and was informed that the Lord-lieutenant did not consider the clauses against public meetings essential to the tranquillity of Ireland. His noble friend, finding how the matter stood, determined to resign; and if he were called on to state his opinion on the subject, he must admit, that the noble Lord seemed to have acted under the influence of too susceptible feelings; but he did find himself so pressed by the communication of what was his own opinion on the subject, that he came to the conclusion that he could not conduct the Bill through the Commons in the same shape as it had been presented to the Lords, and that if it were persisted in he could not continue to manage the business of the country in that House. That state of things led his noble friend to resign, and his resignation was followed by that of the noble Earl lately at the head of the Government, a resignation which they all lamented and deplored; especially in those circumstances of difficulty and embarrassment which he did not perceive any means of removing, except those probably insufficient means which with difficulty he had adopted, and prevailed upon his noble friend to adopt. The difficulty under which the noble Chancellor of the Exchequer laboured consisted simply in the attempt to maintain the public meeting clauses under the knowledge then communicated of the letter of the Lord-lieutenant and his own previous opinion as to their not being necessary. That difficulty had now been removed, and he put it to their Lordships whether, such being the case, the noble Lord (putting out of consideration the great sacrifice which he made in retaining office) did not owe it to his Sovereign and his country, under the peculiar circumstances and difficulties of the present crisis, to take that course which he had adopted? The noble Lord had said, that the Chancellor of the Exchequer's character served him in good stead on this occasion; but, in his opinion, his noble friend's character was above all reproach, beyond the reach of every insinuation. He felt that the only manner in which his noble friend could have put in hazard or for a moment diminished his well-earned character, respect for his Sovereign, and zeal for the public service, would have been by shrinking from devoting himself to the service of the country when called on so to do under present circumstances by his Sovereign and by the country at large, speaking through the organ of its Representatives. The noble Lord had made some observations on the course Ministers had taken in introducing a new Coercion Bill into the House of Commons. They felt the present he admitted, to be a situation of great difficulty and delicacy. For his own part, he had never considered a question in the whole course of his life upon which he found more difficulty in coming to any thing like a satisfactory conclusion than upon this occasion, when deliberating on the best mode of proceeding. Ministers considered that they had adopted that mode which was most candid and fair, and most respectful to their Lordships' House, when they made up their minds to state that they would not press the Coercion Bill there, but bring it forward in a different shape in the other House of Parliament. Suppose that Ministers had pressed the Bill forward in this House; on the third reading they would have been asked whether their colleagues in the other House were prepared to support it as it then stood, and they must answer "no;" and painful as the statement might be, they must declare that they were calling on the Lords to assent to a Bill which they could not press on the Commons in its present shape. Ministers felt this to be a subject of great doubt and embarrassment, and they thought that they adopted the wisest and most honourable course, and had acted in the fairest manner, and with the greatest respect to their Lordships, in permitting the Bill to drop, and presenting it in an altered shape to the Commons. It was impossible for him to agree to the present Motion; the letter from its very nature and the person to whom it was addressed, and all the circumstances of the case, being strictly and entirely private. What power had the House to enforce its production? To what office in the State could application be made for it? Wherever such an application was directed, the answer would be, "We have no such document in our possession." The letter could not be produced without the leave and authority of the individual by whom it had been written. He had not seen the document in the noble Marquess's handwriting—he merely saw an extract from it. It was impossible to consent to the production of private correspondence such as this. There should be the fullest information with respect to the state of facts and circumstances; but this communication did not come under that description. If noble Lords called for such documents, would they not be cutting up all confidence by the roots? It would never more be possible to carry on the public service with advantage, convenience, or safety, if it were laid down as a principle that private communications of men in office might be called for by Parliament. He repeated, that this was a private and confidential letter, and that there were few if any instances of such communications being called for. If such instances had occurred, he believed it was in heated times, when letters written by individuals in their private capacity had been made evidence; but those precedents were of a doubtful character, and their Lordships would not extend a principle sometimes adopted in criminal proceedings to transactions of a civil nature. If any material object were to be gained by resorting to such a principle, that circumstance would afford a species of argument for its adoption; but he maintained, that in the present case there was no such object to be gained. There was nothing to induce the House to establish such a precedent or to violate the great principle of confidence, by calling for the production of this letter, and no case of necessity having been stated or made out, he felt it his duty to oppose the Motion.

Lord *Ellenborough* said, it appeared to him that the noble Earl's statement was totally irreconcileable with that made by the noble Viscount. The noble Earl (Earl Grey) had said that until he received the Marquess Wellesley's letter on the 23rd of June, he had no reason to believe that there was any difference of opinion subsisting in the Cabinet as to the introduction of the Coercion Bill. There might have been some previous difference, but it had disappeared, as was evident from the fact of the noble Earl having given directions to the Attorney-General to draw up the Bill. It was ascertained, that the communication between Mr. Littleton and Mr. O'Connell took place on the 20th of June, three days before the Marquess Wellesley's letter was received by the noble Earl; therefore it was quite impossible, that on the 20th of June Lord Althorp could have authorized Mr. Littleton to say that the discussions on the Coercion Bill were still pending in the Cabinet; the fact being that the measure was then settled, and the noble Earl had given instructions to the Attorney General to draw up the Bill. It was impossible that on the 20th of June, Mr. Littleton could have stated to Mr. O'Connell, as the noble Viscount appeared to suppose, the substance of a letter which was not written till the day after. This was the second discrepancy between the statements of the noble Earl and the noble Viscount; but, however the case might be, what had transpired led to the conclusion that some person had communicated with the Lord-lieutenant of Ireland, and anticipated, as a consequence of that communication, the difference of opinion which afterwards arose in the Cabinet. If Mr. Littleton communicated with the Lord-lieutenant on the subject, the right hon. Gentleman not being a member of the Cabinet did no more than his duty, but there was no other person to whom such a communication was permitted without previous consultation with the noble Earl then at the head of the Government. It was quite in the course of Mr. Littleton's duty to communicate with the Marquess Wellesley; but it was not competent, even to the noble Viscount (Viscount Melbourne) then at the Head of the Home Department, when a matter had been finally settled in the Cabinet, without communicating with Earl Grey and his colleagues, to originate a correspondence with the noble Marquess, the effect of which was, to change that noble person's opinion on the subject of the Coercion Bill, and to unsettle what had been determined in the Cabinet. He said, that it was not competent to the noble Viscount to do this, and still less was it competent to any other individual to do it. Until he heard the noble Viscount and the noble Marquess who spoke yesterday, he did not think there could be possibly any ground for calling for the production of this letter. However, after what the noble Viscount now said, he did not feel disposed to press for the letter, because it was not in possession of any officer of the Government, and it would seem that an application for its production would be without avail. But understanding that the opinion contained in that letter constituted the ground-work of the new Coercion Bill, he maintained, that there was as much reason why Parliament should see it as the letter of the 18th of April, which was the foundation of the other Bill. But there was another discrepancy in the matter. He could not comprehend how the letter of the 21st of June could be the foundation of the altered Bill. Earl Grey had referred to the letter of the 18th of April as the foundation of the original Bill, but he could not have done so with propriety, unless he believed that the Marquess Wellesley's opinion at that moment coincided with the sentiments which he had expressed on the 18th of April. If the noble Earl did not think so, then the letter of the 18th of April was upon their Lordships' Table for the purpose of deception, which he could not for an instant suppose. But if the letter of the 21st of June were the foundation of the new Bill, their Lordships had as much right to see it as the letter of the 18th of April. He did not wish to insist further on the discrepancies to which he had already referred. He was content to leave the matter, saying only, after what had been stated by the noble Viscount with respect to there being no office in which they could get at the letter, that for his own part, he would recommend his noble friend not to press his Motion, at the same time that he thought Government, in justice to themselves, ought to prevail on the Lord-lieutenant of Ireland to produce the letter which it was now stated they had made the foundation of the new course which they had adopted.

Earl *Grey* thought it necessary to address a few words to their Lordships, and he assured the House they would be but few. The statement relating to this case, as he had made it on a former occasion, and as it was now repeated with a good deal of accuracy by his noble friend opposite, was before their Lordships, and to that statement he had nothing to add. He said, that his noble friend had generally stated the case accurately enough; but he must add, that the noble Lord had made some comments on the transaction, chiefly to disclaim which he had risen. It had been said by another noble Lord on a former night, that the effect of his statement was, "that he had been betrayed by a member of his Cabinet," and, in fact, that that was the fair result of what fell from him. He begged to say, that he had made no complaint of anybody, he had accused nobody; he did not complain of ill-treatment, because he was sure none had been intended; but he certainly stated, that a communication had been made to the Lord-lieutenant without his knowledge, which communication led to the letter of the 21st of June, to the subsequent difference of opinion, and to all the other consequences of the transaction. He had stated, that the communication with Mr. O'Connell had taken place equally without his knowledge or concurrence; and if he had known of it, such a communication, in whatever form, would have been resisted by him. He drew no conclusion unfavourable to anybody, for he was quite sure the communications had been made with the best and most honourable intentions. The dates of those transactions were again referred to: the noble Lord opposite had said, that the first communication with Mr. O'Connell took place on the 20th of June. He could not answer for the accuracy of that date, but he could answer for it that up to the 23rd of June, when he received the Lord-lieutenant's letter of the 21st, he had no idea whatever that any difference would arise in the Cabinet on the introduction of the Coercion Bill, which had been agreed to, subject only to the omission of the Courts-martial clauses. The subject had been discussed, and the result was, that the Bill should be introduced without those clauses, but that its remaining provisions were to stand. The date of his communication with the Attorney General he could recollect from a particular circumstance. He saw the learned Gentleman at the drawing-room on the 19th, where he directed him to draw the Bill in the best way he could, omitting only the Court-martial clauses, so as to have as little difficulty as possible in the discussions on the measure. These were the plain facts of the case, and his retirement had been produced by the reasons with which the House was acquainted. He had stated, that he had long felt a wish to withdraw from office, and that those transactions only hastened that event by at most a few months, if not weeks. He felt the difficulty in which his Majesty was placed, and the great importance of his noble friend (Lord Althorp) continuing a member of the Government, on account of that noble Lord's influence in the House of Commons. When, therefore, it was proposed, that the Government should be re-constructed, he did all he could to smooth the difficulties, and overcome the repugnance of his noble friend to continue in office. He represented to his noble friend, that in the discharge of a public duty he might be exposed to much obloquy and misrepresentation, but that at the earnest desire of his Sovereign, and his country, he was bound to incur the risk, and not to prevent the reconstruction of the Government by his refusal to remain in office. His noble friend consented to remain where he was, subject to the false impression which his conduct would excite in those who looked only at the surface of such transactions. No man was placed in a more difficult situation than his noble friend—no man had less desire of office, although it was possible vulgar minds might believe that he had remained in office improperly, notwithstanding he was the first to resign. He represented to his noble friend, that it was his duty, at whatever risk, to continue to serve his Sovereign; and if there were blame to be attached to his noble friend for retaining his situation, he (Earl Grey) took his full share of the blame for having offered that counsel, which nothing would have induced him to offer, if he had not believed, in his conscience, that the country would sanction his noble friend's determination; and that he was not mistaken in this belief, the other House of Parliament had already afforded the proudest testimony. He thought it just to his noble friend, and those who were now his colleagues, to state thus much, and he did not know that it was necessary for him to add more, except in reference to the particular Motion before the House. But, upon that point, it was not necessary for him to say much, for even the noble Lord opposite had admitted that, under the circumstances of the case, the Motion ought not to be pressed. This was entirely a private letter, it was in his possession; nobody had a right to require its production; and he could not consent to give it up without the sanction of the noble Marquess, the Lord-lieutenant of Ireland. The noble Viscount, now at the head of the Government, had well and justly stated, that to call for the production of this communication, would be to violate the confidence necessarily reposed by public men in each other. It was said, however, that this letter was now made the foundation of a new Bill. He did not see how that appeared from anything that had transpired in those discussions. He had not heard it so stated. Ministers did not suggest that the altered measure—(an alteration which he regretted, thinking that the clauses to be omitted were the most valuable parts of the Bill)—was founded on the letter of the 21st of June; but it was stated, that in consequence of a communication, which never ought to have been made beyond the four walls of the Cabinet, Government was placed in a situation which rendered it impossible to carry the original Bill in the Commons. On that general ground, Ministers stated, that they had been obliged to take a course which he exceedingly regretted. He deeply regretted the consequences which that step would produce. He felt, however, that those consequences were not attributable to any fault of his; and he really thought that the most becoming course for their Lordships to pursue, and indeed the most constitutional, was, as his Majesty had formed an Administration, to wait and see what that Administration was prepared to do before they proceeded to embarrass its operations. There might be cases in which, from the situation of the country, and from the character of the Administration, it might be expedient to embarrass the progress of the Administration; but even in those cases the most manly and patriotic course was to Address the King to remove his Ministers. But in a case of this nature, it was not right to call for papers which were not essential to the consideration of the matter then before their Lordships. When this Bill should come to their Lordships from the House of Commons, then would be the time for their Lordships to ask for the production of documents; but from the mere declaration of Ministers, that it was their intention to frame their Bill in a certain form, it was not justifiable for their Lordships to call for the documents on which the declaration of Ministers was founded. If this Motion should go to a division, he should certainly vote against it, if for no other reason, at least for this —to preserve inviolate confidential communications; for if the whole of the correspondence which was now called for were to be published to-morrow, he should not have the slightest objection, so far as he was himself personally concerned in it.

The Earl of *Wicklow* would not have intruded upon the attention of their Lordships, had it not been for an observation which had fallen from the noble Earl who had just sat down. But as the noble Earl had alluded to a statement which he had made upon a former evening, he felt bound to admit, that the view which the noble Earl had taken of these transactions was the correct view. But when he (Lord Wicklow) recollected the statement which the noble Earl originally made—when he recollected, that the noble Earl on that occasion had abstained from the statement which he had just made, that the communication of the intentions of the Cabinet proceeded from good motives—when he further recollected, that the noble Earl had stated, that that communication had been made without his consent or privity, when he coupled that circumstance with the consequent resignation of the noble Earl and with the language of his noble colleague, the Chancellor of the Exchequer, in the other House, as made public in the newspapers of the next day, in which the noble Lord was made to say, "Private and confidential communications from the Lord-lieutenant of Ireland to an individual member of the Cabinet brought the subject again under the consideration of the Cabinet,"—when he coupled all these circumstances with the statement of the noble Earl, he felt that he was justified in believing, that the communication had come from a member of the Cabinet, and that it had been made in a way which warranted him in supposing, that one of the Cabinet had betrayed the principal member of it. Such certainly had been his opinion, and until he heard the statement made that evening by the noble Earl, to which he gave, as he was bound, the most implicit confidence, he had continued to retain that opinion. Besides, public rumour and private conversation did not fail to attach the charge of treachery to one particular member of the Cabinet. He had but one other observation to offer upon the question at that moment before their Lordships. The noble Earl thought that this Motion was not based upon just grounds; but it appeared to him, that the noble Baron had called for the document on one ground that was just and substantial, and that was, that the measures of the Administration were founded upon it. That circumstance rendered a private document a public document, for on it was built a great and important public measure. Such was the statement made yesterday by different members of his Majesty's Government. There was another reason, as it appeared to him, why this correspondence should be applied for,—and that was the consideration due to the reputation of Lord Wellesley. How did the character of that noble Marquess stand at present? The public had seen the official documents bearing his signature on which application for the powers of this Bill had been made; and yet their Lordships were now told, that the noble Marquess had changed all the opinions which he had with great deliberation expressed, in a manner and with a rapidity that was not only extraordinary, but almost miraculous. It was, therefore, only due to the noble Marquess, that their Lordships should, in case the noble Earl opposite persisted in his refusal to produce this Letter, entreat that noble personage to lay a copy of it on their table; and not only to lay a copy of that Letter on their table, but also, for his own credit sake, to lay a copy of the Letters which had drawn from him that extraordinary document. Though he did not suppose, that this Motion would be persevered in, after the speech of the noble Earl opposite, still he did hope that, as the noble Viscount had declared, that the publication of this Letter would be beneficial to the cause of the present Administration, they would be led to apply to the noble Marquess for his leave to give it publicity. The noble Earl opposite, with a consistency for which, much as he differed in politics from the noble Earl, he had always given him full credit, had stated that evening, that his opinions respecting the necessity of passing the Coercion Bill with all its former clauses except the court-martial clause, remained to this moment unchanged. He knew not how the noble Earl, so long as he retained the least sense of propriety, could venture to state that they were changed. But how different had been the conduct of the noble Earl from that of the noble and learned Lord on the Woolsack! On the occasion when the noble Earl delivered his reasons for differing from his noble relative as to the propriety of expunging the three clauses from the Coercion Bill, the noble Lord on the Woolsack had urged in still more forcible language the same reasons. "If I am bound," said the noble and learned lord, "to suspend to this extent those rights, as regards what are called predial outrages and popular commotions, have I any right to draw the line in justice to those who call for protection, or consistently with the nature of the measure itself—have I any right to draw the line, and take that distinction for which my noble friend has contended? Shall I say I will put down disturbance in the country, but should dangerous meetings take place in towns, I will not meddle with them? I will bear with the whole weight of my loins on the peasant, but I will not lay the weight of my little finger on those who, whether right or wrong, from principle or otherwise, actuated by levity or by enthusiasm, wish, year after year, foolishly and mischievously to agitate an already settled question." The noble and learned Lord was reported to have proceeded in the following stain:—"Could he, then, when he saw that their conduct, and the course which their opinions led them to take, had a tendency to increase excitement—had a tendency to nourish, propagate, and generalize the flame of local agitation—could he stop short, and not seek a remedy for this evil? If he saw things in the light which he had described, must he not address his attention to the cause of excitement, as well as to the parties excited?" How, then, he asked, did it happen that the noble and learned Lord did not now address his attention to the cause of excitement as well as to the parties excited? Why did he abandon that which he had before proclaimed to be his duty? And why, above all, did he bear with the whole weight of his loins on the peasant, whilst he did not lay even the weight of his little finger on those who excited him to insubordination and violence? Was it that he might hold his place with greater ease and advantage to himself? In his opinion the character of the Ministry would be materially affected by the whole proceedings connected with the alterations made in the Bill.

The *Lord Chancellor:* I see that we are approaching the conclusion of this debate, on which I am sure that my noble friend will not give us the trouble of dividing, as every one must see, that in calling on the Crown to produce this letter my noble friend is calling upon the Crown to do one of two things—either to say that no such letter is in possession of any public department, or to violate private confidence, which the Crown has no more right to do than it has to search into the muniments and depositories of any of your Lordships. I do not rise at present to add to this discussion, but merely to enter my protest, my decided protest, against the allegations of inconsistency which the noble Earl, with his usual courtesy, has thought it becoming in him and consistent with facts to make against the members of the present Administration. Whenever this Bill shall come to us from the other House of Parliament—whenever it shall come to us without the other clauses, of which the noble Earl is so marvellously enamoured—whenever I am found to support that Bill, then will be the time, the proper and constitutional time, for the noble Earl to call upon me to explain why my opinions have changed, supposing that they have changed, since I delivered the speech to which he has alluded. The noble Earl assumes, that I shall be in favour of the Bill. The noble Earl assumes, that I have agreed to the omission of his three favourite clauses. All that I stated on a former night was, that I had consented to the withdrawing of the present Bill, and to the introduction of another Bill elsewhere; and the noble Earl may anticipate, if he pleases, that I shall support it, if it do not contain the clauses to which he has alluded. Is there any inconsistency in that, now that you are informed of the real grounds of the change, and that it was not occasioned by the letter of June last, as you have heard in the speech just delivered by my noble friend lately at the head of the Government—a speech of which, as your Lordships heard it, I shall say no more than this, in which I am sure, that your Lordships and all my countrymen wilfully concur—that it was a speech well worthy of my noble friend himself, and in saying so, I bestow on it the loftiest eulogy which human tongue can bestow—a speech dictated by feelings of honour the most pure—by a spirit of disinterestedness the most rare and exalted—a speech showing his zeal for his country and his generous goodwill for that Administration which he has unfortunately for that country quitted? In that speech my noble friend stated to you, that it was not in consequence of the letter written in June last, that the change was made. For why? We were in possession of that letter when the Bill was introduced. But it was the disclosure of the contents of that letter, which took place soon afterwards in the manner which your Lordships have heard described, that rendered it hopeless for us to carry that Bill through the other House of Parliament with those clauses inserted in it; and my noble friend now admits that point, whilst he suggests that in his view those clauses were the most important part of that Bill. Now, I beg leave to affirm, that I never at any time went that length. I said, that these clauses were an important part of the Bill, and undoubtedly they are important, and it is manifestly unjust to leave the agitators of the town out of the reach of the Bill, while you press heavily on those who are guilty of predial outrages, the insurgents of the country. Nevertheless, as accidents have rendered it impossible to proceed with the Bill whilst it retains those clauses, I hope that your Lordships will not forget that my noble friend, impressed as he is with the importance of passing this Bill in all its force, has this night frankly, honestly, candidly, generously, and manfully avowed, that he approves of the course which the present Government has taken.

The Duke of *Buckingham* asked, did he comprehend rightly, that the cause of the change in the particulars of the Bill was owing to the confidence placed by Mr. Littleton in Mr. O'Connell, and that owing to that misplaced confidence his Majesty's Ministers had failed in carrying the Bill? If he had understood the noble Earl rightly, that the change in the opinion of the Cabinet had been produced by Mr. Littleton's communication to Mr. O'Connell, he must repeat the question which had been asked last night—was Mr. Littleton still Secretary for Ireland?

Lord *Melbourne:* Yes, he is.

Lord *Wharncliffe*, in reply, said, that, although he was quite ready to believe, that no injury would accrue to the Government from the production of this letter, he felt that it was impossible to persist in demanding it after the declaration of the noble Earl opposite, that it was strictly a private letter. With regard to the observations made by the noble Earl about embarrassing the Government, he had only this to say, that he agreed with the noble Earl in thinking, that the proper time for moving for the necessary papers was when the Bill had come up to them from the other House. It was now the 18th of July, and before this Bill could come to them from the other House, the Session would be still further advanced, when an adequate discussion on this subject could not be expected in this House. He was aware of the difficulties by which the Government was surrounded; but he should not have satisfied his sense of duty as a Peer had he embarrassed the Government more than he could avoid by bringing forward this Motion. In conclusion, he expressed his intention to withdraw it.

Motion withdrawn.

HOUSE OF COMMONS,

Friday, July 18, 1834.

MINUTES.] Bills. Read a first time:—Royal Burghs, and Burghs (Scotland); Roman Catholic Marriages (Ireland).—Read a second time:—Insolvent Debtors (India).

Petitions presented. By Mr. WILBRAHAM, from Northwick, against the Universities' Admission Bill.—By Mr. H. FLEETWOOD, from Preston, for the Repeal of the Duty on Raw Cotton.—By Sir R. GLYNNE, Sir M. W. RIDLEY, Colonel WOOD, Messrs. T. GLADSTONE, W. WYNN, H. DARE, FLEETWOOD, EGERTON, and HALFORD, from a Number of Places,—for Protection to the Church of England.—By Messrs. HUME, F. PALMER, and W. ELLIS, from several Places,—against the Sale of Beer Act Amendment Bill.—By Sergeant SPANKIE and Messrs. HALFORD, B. WALL, and PLUMPTRE, from several Places,—against the Separation of Church and State.—By the LORD ADVOCATE, from Leith, for Repealing the Duty on Horses used in Trade; from Glasgow, against Arrestment of Wages; from there Places, in favour of the Bankrupts' (Scotland) Bill.—By Mr. CAYLEY, from York, against any Alteration in the Corn-Laws; from the same Place, for Relief to the Agricultural Interest.—By Mr. POULTER, from the Fishmongers of London, against a part of the Sunday Observance Bill.—By Lord NORREYS, from Thame, against making Proprietors of small Houses liable to the Poor-Rates.—By Mr. JEPHSON, from Mallow, for equalizing Weights and Measures.—By Mr. H. FLEETWOOD, from a Congregation at Preston, against Drunkenness.—By Colonel R. TREVOR, from two Places, for Protection to the Church of England; from Cardigan, against the Universities' Admission Bill.—By Mr. HUTT, from the Corporation of the Trinity Hall, from the Governors and Guardians of the Poor; and from certain Inhabitants of the same Towns, against that part of the Customs' Bill, which went to allow of Bonded Warehouses in Inland Towns.

UPWELL TITHES.] Mr. *Thomas Duncombe* presented a petition from the inhabitants of Upwell, against the Upwell Tithes Bill. The hon. Member observed, that the petitioners had presented a petition in another place in favour of the measure; they were now satisfied, it was from gross misrepresentation they were induced to give their consent to it, and they therefore entirely retracted it.

Mr. Childers moved the second reading of the Bill.

Mr. Wason moved, that the Bill be read a second time that day six months.

Sir *William Folkes* supported the Bill, believing it to be as much for the benefit of the parishioners as the rector, and expressed a hope that the House would consent to let it go to a Committee.

Mr. *Thomas Duncombe* opposed the Bill. He considered it one of the grossest instances of clerical rapacity that had ever come before the House, and trusted it would never receive the approbation of a Reformed Parliament. The Bill was treated as a private one; but was as important in principle to the public as any question which had ever come under the consideration of the House. The case was amply provided for by the Bill introduced by the Chancellor of the Exchequer for a commutation of tithes; and this Bill, which was a gross job, sought to evade the operation of that measure by being ingeniously introduced as a private Bill. It was opposed to the general wish of the parishioners, and he trusted the House would reject it.

Sir *Robert Inglis* would ask the hon. Member how this transaction could be termed an instance of clerical rapacity, when he well knew, that the Bill only secured to the rector an income of 4,500*l.* per annum for property—for he would always contend that tithes should be regarded as any other species of private property—acknowledged to be worth 6,000*l.* a-year? The Bill would be a great benefit to the parish generally, and should therefore receive his support.

Mr. *Childers* said, the amount of tithes actually collected last year was 4,700*l.*; he thought therefore the rector, in seeking to receive 4,500*l.*, could not be charged with rapacity. The number of acres in the parish was 21,000; the Bill was opposed by persons possessing only 4,500 acres of land. Deducting, therefore, that amount, and 2,500 acres, which belonged to the patron, the amount of property in favour of the claim of the rector would be 12,000 acres. So far from the parishioners being injured by the Bill, there was a clause in it which exempted them from its operation. He trusted, therefore, the House would consent to pass the second reading.

Mr. *Estcourt* defended the character of the clergyman against the attack of the hon. member for Finsbury, having long known him to be a person of great worth. The Bill was a most important one, establishing as it did a principle of the most beneficial nature in the commutation of tithes. He believed the persons who had been induced to petition against this Bill had been innocently made the tools of other persons to serve their purposes, and that the Bill, so far from operating with injury to them, would be productive of the greatest general advantage to the parish.

Lord *George Bentinck* supported the Bill, observing that if it was not suffered to pass before the end of the Session, the rector would be compelled to collect his tithes in kind during the present summer. He did not see how the rector could be charged with rapacity when he was legally entitled to 6,000*l.*, and possessed the power to levy for that amount, and yet only laid a claim by the Bill to 4,500*l.*

The House divided:—Ayes 45; Noes 60: Majority 15.

Second reading postponed for six months.

List of the AYES.

Adam, Admiral
Agnew, Sir A.
Astley, Sir J.
Bentinck, Lord G.
Brudenell, Lord
Burton, H.
Cayley, Sir G.
Clive, R.
Crompton, J. S.
Crompton, S.
Dare, H.
Egerton, T.
Eastnor, Lord
Estcourt, T.
Finch, G.
Foster, C.
Folkes, Sir W.
Gladstone, T.
Gladstone, W.
Gordon, R.
Greene, T.
Glynne, Sir S.
Halford, H.
Jerningham, Hon. S.
Inglis, Sir R.
Kerry, Earl of
Manners, Lord R.
Norreys, Lord
Perceval, Colonel
Petre, W.
Plumptre, J. P.
Rae, Sir W.
Ross, C.
Russell, W.
Sandon, Lord
Sinclair, G.
Spankie, Serjeant
Townley, R.
Verner, W.
Vyvyan, Sir R.
Wall, B.
Wynn, W.
Williamson, Sir H.
Wood, G. W.

TELLER.

Childers, J. W.

List of the NOES.

Adams, H.
Aglionby, H. A.
Bewes, M.
Biddulph, R.
Baines, E.
Barry, G.
Brotherton, J.
Bulwer, H. L.
Curteis, E.
Chaytor, Sir W.
Chapman, M.
Etwall, R.
Evans, G.
Ewart, W.
Ellis, W.
Fancourt, Major
Fielden, J.
Fenton, J.
Gully, J.
Gillon, W. D.
Harland, W. C.
Hutt, W.
Hall, B.
Hume, J.
Jephson, C.
Kennedy, J.
King, B.
Lester, B.
Lambton, H.
Langton, G.
Lloyd, J. H.
Nagle, Sir R.
O'Connell, Daniel
O'Connell, John
O'Connell, Morgan
O'Connor, Feargus
O'Connor, Don
O'Dwyer, C.
Ord, W.
Oswald, R.
Parrott, J.
Philips, M.
Potter, R.
Palmer, F.
Poulter, J.
Ruthven, E.
Ruthven, E. S.
Roe, J.
Roche, W.
Ronayne, D.
Staveley, T.
Sullivan, R.
Talbot, James
Talbot, John
Thicknesse, R.
Tennyson, Rt. Hn. C.
Vigors, N.
Ward, H.
Warburton, H.
Wilks, J.
Wilbraham, G.
Wallace, R.
Walker, C.

TELLERS.

Duncombe, T.
Wason, R.

COTTON DUTY.] Mr. *Hesketh Fleetwood* presented a Petition from the master cotton-spinners and manufacturers of Preston and its neighbourhood, complaining of the duty on raw cotton, and praying its immediate repeal. This duty was in a high degree objectionable, on the ground of its exposing the manufacturers of this country to a most disadvantageous competition with their French rivals, who, having no such imposts to endure, were able to meet the British manufacturers, and injure them seriously in all the European markets. He thought, also, that the petitioners had a right to object to this duty, as pressing heavily upon the lower classes, while the silk duties chiefly affected the upper classes, and even in cotton itself the duty weighed the most heavily upon the coarse and cheap goods; finally, the duty was objectionable on the ground of principle, for the worst of all taxes was a tax upon raw material, especially upon a material employing so large a portion of the population. It had been his intention to have brought forward a motion on the subject, but having some reason to hope that the right hon. Gentleman at the head of the Board of Trade would make such an announcement to the House of his own views on the subject as to afford good ground for expecting its repeal in the course of next Session, he preferred, for the present, merely to say a few words in support of the petition.

Mr. *Brotherton* conceived nothing could be more impolitic than the imposing a tax on raw cotton. The long hours of labour of those employed in our manufactories, and the low wages in particular which the weavers received, were considered necessary, in order that this country might be able to compete in the foreign market; and yet a tax was continued on the raw material. He trusted that this tax, which pressed so heavily on the industry of the country, would not be suffered much longer to remain.

Mr. *Philips* considered the duty on raw cotton to be every way objectionable. It was a tax which pressed most severely on a class of persons who were the least able to bear it, and he hoped the noble Lord (the Chancellor of the Exchequer) would endeavour to remove it as speedily as possible.

Mr. *Baines* felt great pleasure in supporting the prayer of the petition. Whenever a tax had been imposed upon the raw material, it had been found to operate prejudicially, and its removal had been hailed with satisfaction by the country. There was no boon that could be offered to the manufacturers that would be received with greater gratitude by them than the repeal of this tax, and he was convinced there was none that would tend more to promote the interests of commerce.

Mr. *Poulett Thomson* said, it was needless to say he fully concurred in the observations of those hon. Members who had preceded him. He viewed any duty upon the raw material to be at all times a most impolitic tax, but more particularly upon what he might term the staple commodity of the country. He thought the Administration of Earl Grey had uniformly shown that it entertained similar views, and it had also manifested an unceasing endeavour to relieve industry from this species of taxation. In corroboration of what he said, he referred with peculiar satisfaction to what had been effected with regard to the tax upon printed calico. The original tax had not only been repealed, but also the substitute for that tax, and the rated duty reduced below what it was before. Should his noble friend, the Chancellor of the Exchequer, have a surplus revenue next year, he trusted he would be able to avail himself of the opportunity to satisfy the wishes of those on whom taxes of this description peculiarly pressed. He believed the best mode of relieving the country from the oppression of taxation was, to extend industry, and to find employment for the whole of the people. This could never be better done than by reducing the taxes upon the raw material.

Mr. *George Wood* had heard the sentiments which had just fallen from the right hon. Gentleman, with very great satisfaction. He sincerely hoped, considering the important station of his right hon. friend, another year would not be suffered to pass without the country witnessing the removal of this most injurious tax.

Mr. *Hume* also expressed his gratification at the speech which he had just heard, and as the right hon. Gentleman viewed with him, that taxation upon the raw material was the worst of all taxation, he trusted no time would be lost in repealing it.

DIVISIONS IN THE HOUSE.] Lord *Ebrington* said, that in submitting to the House the Motion of which he had given notice last night, with reference to the Resolution of the House in respect to the method of taking divisions, it would not be necessary to go into any detail as to the plan, which owed its origin, he believed, to the hon. member for Bridport (Mr. Warburton), inasmuch as he understood his Motion was not to be opposed. The plan had been tried last night, and its failure was sufficient to induce him to bring forward the Motion to rescind the Resolution of the House, which had authorized the adoption of the plan; and he should be ready at a fitting opportunity, to defend himself against the obloquy which might be thrown upon him, and those hon. Gentlemen who thought with him on this subject, by the imputation, that in pursuing this course, they wished to conceal their votes from their constituents and the country. The noble Lord concluded by moving, that the Resolution of the House, relative to the divisions of the House, be rescinded during the present Session.

Mr. *Warburton* seconded the Motion, though he was prepared to contend, that the plan had not been fairly tried last night. Indeed, during the experiment, he felt himself in much the same situation as an enraged musician, who, having produced a piece of music of a character that ought to be performed by a first-rate performer, found it intrusted to the meagre skill of the merest scraper of catgut in the world. The success of the plan depended, first on the velocity exercised on calling out the names; and secondly, on the velocity with which the names so called out were taken down, and certainly last night there had been no expedition used in either of these essentials to the proposed plan. Whether the default in calling the names arose from a want of readiness on the part of his hon. friend, the member for Middlesex, or whether the latter defect arose from a willing readiness on the part of the accomplices of the plan, he would leave the House to determine; but certainly the plan had succeeded on a fresh experiment this morning, on the occasion of the division of a House constituted of at least 100 Members. He did not mean to call his hon. friend near him (Mr. Hume) a bad performer; on the contrary, he thought him a perfect Paganini; and if he had been seconded by the writer who was employed, who had not those flying fingers which the occasion demanded, all would have gone well. From what had been shown by the second rehearsal of that morning, he did not anticipate that the question would be set at rest by this decision, but he thought that it would be, under all the circumstances, most advisable to discontinue the present mode of taking the divisions for the remainder of the present Session.

Mr. *Ward* would, of course, bow assent to the expression of the wish of the House, but he pledged himself most distinctly to bring forward the question again, or some measure like it, at an early period of the next Session.

Mr. *Hume* was rather disappointed, when he thought that the term catgut-scraper was applied to him by his hon. friend, although he laid no claim to the title of a perfect Paganini. However, let a man be as eminent a performer as he might be, it was still necessary for him to have a rehearsal. He thought that, under the circumstances, he could not be considered as having had a fair trial. The right hon. member for Tamworth had no great reason to exult in the success of the noble Lord's Motion, although he was against the principle of the measure brought forward by the hon. member for St. Alban's, as his satisfaction could only last for a short time. The temporary failure of the plan had been attributed to him (Mr. Hume), because he had undertaken to assist in carrying it into effect; but this was a groundless charge. If the plan which he himself had submitted to the Committee had been adopted — and it was not adopted only because they wanted the means to give it effect, namely, by adding another entrance to the House corresponding to the Lobby—he felt sure that it would have succeeded. He would put it to the noble Lord, the Chancellor of the Exchequer, whether he would not think it advisable to erect another room on the east side of the House, that the plan might have a fair trial? Hon. Members might laugh at the word trial, but he would say, the realization of his plan. He did not, indeed, see why his Majesty's Ministers should not build a new House at once. Members were condemned to inhale, for eight, ten, and sometimes fourteen hours a-day, the pestilential air of that House, and he wondered the noble Lord was not more careful of his own health. Years were telling upon the noble Lord as well as on himself, and neither the noble Lord, nor he, were so able to bear night-work as they were some years back. The House might laugh, but it was quite true notwithstanding. He did wish to have a proper place in which to conduct the affairs of this country, and he thought for such an object 25,000*l.* or 30,000*l.* was of no importance. He had been pressed to bring forward a motion with this end, but he had declined taking any such step unless his Majesty's Ministers would sanction the vote. He was quite sure that the noble Lord wished the business of the country to be done efficiently, and not shuffled through in the manner it was at present, particularly with a crowded attendance of Members, when the House was full up to the Table, and three-fourths of the Members were utterly unable to know what was going on. He only wished that they possessed as good a building for the purposes of public business as any of the companies of London. He took up this question solely on public grounds, though he did not mean to deny that his own convenience would be consulted also.

Sir *Robert Peel* was surprised to find himself in so large a majority. It was a very short time ago that he could only prevail on about thirty Gentlemen to vote with him against the trial being made this Session—he recommended them to wait till next Session; but he was denounced as an enemy to all improvement, and a trial was resolved on, with what result he need not say. He did not object to the votes of Members being made known to their constituents, but he thought that on particular questions a Member might, with a particular view, vote in a manner quite at variance with his general and professed principles; and, on a former occasion, he had instanced the example of a gentleman who, on an emergency, voted in favour of the Assessed-taxes, because the question involved the existence of an Administration which the hon. Member preferred to another. He did also object to the principle of the question; and he argued against it, for one ground, on the score of probable multiplication of divisions. If the principle was good for a minority of ten as compared to thirty, it was good for a minority of ten as compared with 300; and when ten or twelve patriots felt strongly on any subject, if their names were sure to be known, there would be no more of that amicable compromise by which, with the aid of the Speaker, a minority frequently gave way without putting the House to the trouble of dividing. He did not know why the hon. member for Middlesex had alluded to him, as he had exhibited no tokens of peculiar exultation at the result; but he could not help remarking, that the measure might be tried with a much better chance of success in the next Session.

Lord *Althorp* was quite sure, from the result of the trial which was had last night, that, even if the plan proposed by the hon. member for Middlesex had been adopted, no better success would have attended it than that which had failed. It was alleged, that the circumstances of the trial were unfavourable to it; but he thought that, considering that the largest majority counted and enrolled according to the new plan last night was only 105, instead of 300 or 400, great facilities had been afforded it. As to building a new Lobby or a new House, he had no reason to believe that any large proportion of the Members wished either to be done; but, if at any time a great majority of the House should concur in thinking that a new building should be erected for their accommodation, his Majesty's Government would certainly do everything in their power to meet their wishes. However, he did not see that the plan of the hon. Member would be followed by any useful result. Whether the majority went out on one side of the House or on the other, they would take the same time in going out, and nothing would be gained in that respect.

Colonel *Evans* hoped, that the principle would not be lost sight of, but that the noble Lord opposite would give it his attention at the beginning of next Session. The right hon. Baronet (Sir Robert Peel) appeared to have been rather inconsistent in his argument. That right hon. Gentleman admitted, that Members ought to be responsible for their votes to their constituents; yet he objected to their names being taken down, by which alone their constituents could be made acquainted with the votes of their Representatives. The right hon. Gentleman argued that, inasmuch as the ten patriots voting "aye" or "no" had already the means of making their votes known, that was sufficient; but he would ask, why the twenty or thirty non-patriots were to escape their share of responsibility—why their names were not to be taken down also? He thought, that the building of an additional Lobby would occasion a considerable saving of time. At present, when the "Ayes" or the "Noes" had been into the Lobby, on their return to the House the passages were choked, and it was a long time before they could resume their seats, or the business of the evening. An additional Lobby would remove this cause of delay. But, after all, the great question, as he conceived it, was, whether the Members of that House ought, or ought not, to be responsible to their constituents for their votes. He recollected being at an election five or six years ago, when one of the candidates, who had been in Parliament before, recommended himself on the ground of his being a patriot. It was doubted whether he properly described himself. It was suspected that he had voted in favour of the Six Acts, which, at the time they were passed, were held to be almost as great an encroachment on the liberty of the subject as was the Coercion Bill. Though they were convinced that the individual in question had so voted, for want of some authentic documents to which they could refer, they were prevented from stating the fact on the hustings, because it might have been contradicted. It seemed that the plan tried last night had been objected to, because it occasioned a loss of some half-minute; but, he would ask, how many half-minutes, half-hours, half-days, or even half-weeks, did they not lose in matters which, comparatively, were not of half so much importance? He trusted, that the noble Lord, if his Motion were now carried, would not oppose the principle that was involved in the question, should it be brought forward again next Session.

Lord *Ebrington*, in reply, observed, that if, with so clever a performer as had tried his hand last night—one who was acknowledged a perfect Paganini—the scheme had proved a total failure, he could not anticipate any success for any future experiment. His own opinion was, that, on any great question, the votes of the Members ought to be known; and the way in which they were published at present was, he thought, sufficient. However, to waive that question, however great might be the duty of maintaining the responsibility of Ministers, the House had another great duty to perform—not to throw any difficulties in the way of transacting the business of the country during the present Session.

Lord Ebrington's Motion was carried, and the Resolution agreed to.

SUPPRESSION OF DISTURBANCES (IRELAND).] Lord *Althorp:* I rise to bring under the consideration of the House the propriety of renewing in part the Bill for the Suppression of Disturbances in Ireland which passed in the course of the last Session. In the first place, it will be necessary for me to state the grounds on which I recommend to the House to renew those parts of the Bill which I propose to retain; and I shall have also to give some reasons (though I do not think that, to a House of Commons, it will be necessary for me to go a very great length into those reasons) why I do not, on the present occasion, call for more power than I am about to ask the House to confer. The state of Ireland last year, as appeared when the matter was then brought under the consideration of the House, was such (outrages of the most grievous description existing through different parts of the country), that his Majesty's Ministers felt they could not be answerable for the peace of the country, unless Parliament invested them with powers beyond the ordinary powers of the Constitution, with a view to the suppression of those outrages. I need not recapitulate what took place on that occasion. I believe the House knows that even those hon. Gentlemen who opposed with the utmost eagerness the Bill then introduced, did admit, that the outrages existing in different parts of Ireland required extraordinary powers to put them down. That Bill having been passed, almost immediately afterwards the provisions of its enactments were applied to the county of Kilkenny. This was one of those counties in which it appeared, when the question was under discussion in the House, outrages were most frequent. The effect in Kilkenny of applying the provisions of the Bill to that county has been, that whereas the number of outrages, from the beginning of the month of April, 1832, to the beginning of April, 1833, were 1,590; from the beginning of April, 1833, to the beginning of April, 1834, they were only 331. This is the statement of the effect which the application of the Bill to the most disturbed district in Ireland produced, as ascertained by the experience of the last year. Some time elapsed after this before the provisions of the Bill were tried in any other part of Ireland. On the 14th of April, 1834 (one twelvemonth after the Bill had passed), it was applied to some parts of the King's County. On the 5th of May, 1834, it was applied to some parts of the county of Westmeath; and, on the 9th of June, 1834, it was extended to some parts of the county of Galway. Such, then, has been the result of the application of the principle recognized by Parliament in the course of last Session. Parliament then recognized the principle that, in cases where outrages existed, it was right to apply extraordinary powers to prevent their extension and continuance; and we now know, from the experience of last year, that the application of those powers has been attended with the most beneficial consequences. There are also three other districts in Ireland to which the provisions of this Bill have been lately applied; and, though I am not so able to speak positively of its effects, yet there it has also been beneficial. The question, therefore, which the House is now called on to decide, is, whether it would be desirable to let the present Act expire, or whether hon. Gentlemen will not rather think themselves called on, in order to protect the peaceable inhabitants of Ireland, to renew the Bill? The proposition I have to make is, that we re-enact those parts of the Bill which refer to the proclaimed districts, with the addition of two clauses—one, for the protection of witnesses; and another, to prevent signals for the collection of tumultuous assemblies. The powers which the Bill will place at the disposal of his Majesty's Government will be these:—The Lord-lieutenant of Ireland will have the power to proclaim such districts as are disturbed; and, after such proclamation of a district, all assemblies held in them will be unlawful assemblies, unless held with the leave of the Lord-lieutenant of the county, the Sheriff of the county, or the chief Magistrates. The Bill will prevent persons from being out of their houses, in proclaimed districts, from sunset till sunrise, unless on a lawful occasion. Lists of the inmates are to be placed in the hands of the chief constable, and those lists are also to be attached to the doors of the houses. Power is to be given to require persons to show themselves, being called on at night to do so. It is to be a misdemeanour for persons to have arms in their possession, except lawfully, in proclaimed districts. In addition to these enactments, the Bill will contain the clauses to which I have before alluded, for the protection of witnesses; and the making of signals with a view to the collection of tumultuous assemblies, which is to be deemed a misdemeanour. I am aware, that such a measure as this goes far beyond what the Constitution of the country ought to allow; and I will add, that it most certainly ought not to be passed, unless the case be one in which the necessity is admitted and apparent. Still less ought it to be passed for any long period. I propose to renew the Act, therefore, only till the first of August in next year. I must state, that I think that it would be well worthy the consideration of Parliament, whether some permanent alteration in the law ought not to take place, to prevent the recurrence, if possible, of such outrages as have compelled his Majesty's Government to come down to this House to ask for extraordinary powers: that is a question, however, of such great difficulty and involving so much serious consideration, that I think it impossible any gentleman can conceive we could entertain it at this period of the Session. It may be taken into consideration before another Session; but at this time what is wished is present protection against the outrages to which the peaceable part of the population of Ireland are subject. I do not think it necessary to take up the time of the House by going into the details contained in the Papers that are lying on the Table of the House, because I do not expect to find it urged, that in the present state of Ireland it would be safe to allow this Act to expire, as far as the proposed provisions go. I do not believe that any gentleman acquainted with that country would say, that the effect would be otherwise than most disastrous in those parts which are now under proclamation. To let the Act expire would, indeed, be most disastrous to those districts which have been proclaimed: but I am also afraid that we cannot suppose that it may not be necessary to apply the Bill to other parts of the country which may be kept in check, for fear of being proclaimed. On these grounds I shall submit to the House the proposition with which I shall have the honour to conclude. I now consider it necessary to allude shortly to the grounds on which I do not propose to renew the whole of the Act of last Session; and the first ground that I shall state is one which I am sure will be considered a sufficient argument in this House. I will say, then, that if his Majesty's Government are prepared to be responsible for the government of Ireland, without demanding powers beyond those they now call for, I cannot suppose any individual will contend that additional powers ought to be forced on us. I cannot think it necessary for me to say more on that part of the subject. But it is necessary, I admit, to state to the House why it is, that his Majesty's Government are not prepared to bring forward their proposition in a different form from that which I have brought before the House. I need not tell hon. Gentlemen that, in the Papers laid on the Table of the House, it appears that the recommendation of the Irish government in April last, was for the renewal of this Act, without the omission of the parts which I propose to omit. Up to the latter end of June, I think to the 23rd of June, his Majesty's Ministers had no reason to believe—nor any portion of his Majesty's Ministers—that they would feel themselves bound to object to the renewal of any part, except the court-martial clauses, of the act of last year; but at that time, in consequence of a communication of the Lord-lieutenant of Ireland, in answer to a communication made to him by my right hon. friend (Mr. Littleton), as has been before explained by him, a different view was entertained. The ground on which my right hon. friend made that communication, I believe, was this. Though there had been considerable agitation during the winter, a long cessation—a cessation of several weeks—occurred, during which no such agitation had taken place. To that fact the Papers laid on the Table of the House, in justification of the renewal of those portions of the Act which I propose to renew, bear ample testimony. Under these circumstances, my right hon. friend applied to the Lord-lieutenant of Ireland, to ask him whether he continued of opinion, that such parts of the Act as related to public meetings were necessary. The Lord-lieutenant of Ireland, in a confidential letter to the noble Earl then at the head of his Majesty's Government (Earl Grey), stated, that if it should be for the convenience of the progress of business—if it should be for the convenience of the Government in this country—he should be prepared to go on without the additional powers. On these grounds, as the House is aware, I thought that if the Lord-lieutenant of Ireland, under any circumstances, was prepared to go on without such powers, it was not proper that such powers should be called for. As I stated on a former occasion, this letter was liable to be interpreted according to the opinions of individuals. The Lord-lieutenant of Ireland having stated, that the grounds on which he was ready to undertake the Government without all the powers of the former Bill, were, that it might be for the convenience of the Government at home, it did not necessarily follow, that the noble Lord had altogether changed the opinions he formerly held on this subject. It can hardly be necessary for me to go further into this part of the question: of what took place—of the consequences of these communications the House is well aware. The question comes before us again; and after what has transpired, I think there is no Gentleman in this House, whatever his opinions may be, who can believe it possible, that any Government, I care not of whom composed, could hope to pass through this House a Bill for the renewal of the clauses relating to public meetings in Ireland. The question, then, for those members of his Majesty's Government to consider, who had the misfortune to differ on this point with their colleagues, was, whether it was right and prudent to propose such a measure as would certainly have been rejected by this House? or whether it was not their duty to alter it to the extent of adopting only those parts of the Bill which I now propose to renew for the protection of the peaceably disposed against the perpetrators of outrages? But, suppose it should be found that myself, and those who agree with me, are mistaken as to the necessity of the clauses being renewed—if we find that when those clauses have expired, an occasion of necessity should arise, as we before proved ourselves ready in a case of necessity to support such clauses, we shall again be ready to give them the same support. This is not a question of a difference of principles; because, as my right hon. and noble friends say, they would not propose this or any other measures going beyond the limits of the Constitution, unless they were convinced that a case of extreme necessity was made out. So I repeat, if the case of necessity should again arise, I shall be ready to concur in the renewal of the clauses. The question is now one as to whether, at the present time, the necessity exists for these clauses or not? And when I find the Irish Government ready to go on without the clauses,—when, also, I see nothing in these Papers to justify us in renewing them,—I am borne to the conclusion, that the case of necessity is not made out. I know it may be said, as regards the deficiency of proof, that the reason why proof is not forthcoming, is, because outrages have been prevented by the Act being in force; and I am not prepared to say, that such an argument may not be well-founded,—but I should be sorry to act on it,—because I do not see any limit to its operation. In conclusion, I have only to declare that these are the grounds on which I have taken the liberty of submitting a statement to the House of the course proposed by his Majesty's Government. The noble Lord then moved for leave to bring in a Bill to renew and amend the 3rd of Will. 4th, c. 4, an Act for the Suppression of Local Disturbances in Ireland.

Mr. *Lefroy* begged to know, whether it was the intention of his Majesty's Ministers to lay before the House the evidence which induced them to change their minds with respect to the Bill; and, after it had been passed through several stages in the House of Lords in an efficient form, to present it now to that House with the omission of certain clauses which heretofore were represented as the most essential for the peace and security of Ireland? The noble Lord said, that the Bill was altered in consequence of confidential communications having been made on the subject by the head of the Irish Government; and yet, with a full knowledge of those communications, Earl Grey introduced into the House of Lords, a measure totally different from that which the noble Lord was now about to introduce into that House. He did not rise to advocate the renewal of the measure proposed, nor to offer any judgment of his own upon that point, but he did rise as an Irish Member, bound peculiarly to look after the peace of Ireland, to ask why it was, that, after the majority of the Cabinet had pledged themselves that a more ample Bill was necessary, Parliament and the country, and, above all, the peaceable inhabitants of Ireland had a right to know why it was, that the measure now proposed fell materially short of that originally introduced, and which was then represented as essentially necessary for securing the peace of Ireland? When the House recollected the nature of the Bill which had passed, in its full extent, to its last stage in the House of Lords; when they recollected that, it had the sanction of the Irish Government, and of his Majesty's then Cabinet, ay, and of his now Cabinet, with the exception of four or five — when it was borne in mind that it was introduced with the apparent sanction of a united Cabinet — for it was not till a subsequent disclosure, made in that House, that the division in the Cabinet was known—was it, he would ask, too much to require that Parliament and the country should be furnished with the grounds upon which the Cabinet now unanimously introduced a totally different measure? The Bill, too, as originally introduced, had the sanction of his Majesty's Chief Law Adviser, the keeper of his Majesty's conscience. That noble and learned Lord stated, that if these very clauses were omitted, the Bill would be impaired in its strength, and equal justice would not be administered between different classes of delinquents. The Bill had the sanction of the Secretary for Ireland—and, above all, it had the sanction of the then head of the Government, who was in possession of those confidential communications now made the pretext for altering the character of the Bill. He must remind the House of the interpretation which the noble Lord himself had put upon these communications when they were adverted to upon a former occasion. His words were, that "in his judgment they did not warrant the interpretation that the Lord-lieutenant had changed his mind, although a person very anxious on the subject might possibly give them that construction." When the House was now told, that the Lord-lieutenant of Ireland had changed his mind with respect to the measure, and that he stated he could carry on the government of Ireland without the first clauses of the Bill, let it be recollected with what that statement was accompanied. That statement was not made in reference to the condition of Ireland, but with reference to the state of parties in England, and he was drawn into it by solicitations and representations from this side of the water. If, then, the ground upon which Lord Wellesley was ready to conduct the Government was not so much with reference to the condition of Ireland, as to the condition of parties in England, was it not manifest, he would ask, that Ministers were bartering the peace and security of Ireland for the security of their own places? When calling for the letter of Lord Wellesley, he should like to see the letter which was written to that noble Lord, to which it was an answer; and he should also like to know who was the writer of that letter. He (Mr. Lefroy) admitted, that the House ought not to pass a measure of unnecessary severity towards Ireland; but when the peace of that country was to be maintained, when the property and security of the well-disposed were to be protected, they ought not to withhold a necessary measure of coercion. Let it be remembered, that the House did sanction, by a very great majority, the Bill of last Session; and the state of Ireland now was not materially different from what it was then. The result of the whole evidence before the House went to show, that the amount of crime throughout the whole country had increased. He admitted, that parts of Ireland were now more tranquil than they were when the Bill of last Session was introduced, but they were those parts to which the Bill had been applied. His Majesty's Ministers owed it to Ireland; they owed it to their own characters, to lay before the House and the country, the evidence upon which they had changed their minds. Public confidence was of the greatest importance, and if it could justly be suspected that his Majesty's Government had changed their minds, not upon the foundation of any evidence before them—not in reference to the merits of the case—but with a view of propping up a fallen cause, and keeping together a tottering Cabinet; then would they have justly forfeited the confidence of the nation over whose destinies they were unfortunately called to preside. He spoke not of the confidence of a party, nor of the confidence of those who were to be seen on a late occasion running about the town to procure signatures to an address; but he spoke of the confidence of the nation, without which no government could long carry on the business of the country. He thought, therefore, that his Majesty's Ministers, from regard for their own characters, were bound to protect themselves from a suspicion of selfish motives, or a charge of levity—were bound to lay before the House the grounds upon which it was alleged that they had changed their minds. It had been attempted to justify the conduct pursued by his Majesty's Ministers in the present instance, by referring to the sudden change of mind which had been effected in other politicians in respect to the Catholic question. But how different were the circumstances? Whatever opinion might be entertained of the policy of the change of mind which took place on that occasion—and the result certainly was not favourable to the doctrine of sudden changes of mind on great political questions—human ingenuity could not suggest any bye-motives for the change of mind on that occasion; they could not have been actuated in their conduct by fear of losing place. Their change of mind took place in the plenitude of their power—their only motive could have been a sense of public duty; but motives had been imputed to his Majesty's present advisers for the sudden and extraordinary change of their opinions, which were quite discreditable. He would not take so ungenerous a line as to impute that change to a love of place; but that had been, and was, daily imputed to them by those vehicles which influenced, and frequently represented the public mind; and he was sure, the only way effectually to repel all such imputations, would be, to produce the evidence (if any they possessed) which went to justify the alteration now proposed in this Bill.

Mr. *O'Connell* would only implore the House for one moment to consider the wretched state of Ireland. They had just heard the Representative of the Protestant Clergy of Ireland, the Representative of a Protestant University in Ireland, strenuously urging his complaints; and was it that the liberties of his countrymen had been taken away? Was it that their constitution had been violated? Was it that they were to be enslaved? Oh, no! —it was because they had too much of liberty;—it was because they had not been enslaved enough! That country which, besides supporting its own clergy, paid millions for the support of the Protestant Church in Ireland, and those whom the hon. and learned Gentleman represented, were the very individuals who fed and fattened on the spoil. He never felt indignation yet, equal to the indignation which he felt now, at seeing the hon. and learned Gentleman presuming to come forward to slander the people of Ireland.—[*Cries of* "*Order!*"]

Lord *Stormont* rose to order. He said, it appeared to him, that the hon. and learned Gentleman was about to use language which was contrary to the rules of that House.

Mr. *O'Connell* said, the noble Lord appeared to be invested with the spirit of prophecy. The complaint was not that he was disorderly, but that he was about to become disorderly; the fact was, the noble Lord was himself disorderly in anticipating and interrupting him. He was expressing what he trusted was honest indignation, that any man representing such a class as the Protestant clergy of Ireland, should express his regret that there was not tyranny enough. Was it not sufficient to excite indignation to hear the hon. and learned Gentleman, who was a Doctor of Civil Law, and a Doctor of Common Law,—he need not go to Oxford, where there were such select doings, and where they exercised so much discretion in giving degrees,—he was dubbed doctor already—was it not enough to excite his indignation, to hear that hon. and learned Gentleman call on his Majesty's Ministers —for what? Why, to limit the Constitution. Every man stood on the Constitution of his country, as he stood on his innocence. He who would make a case against it, must be prepared with proof. The course of the hon. and learned Gentleman was false in theory, and bad in feeling. He threw himself on the House, and begged them to consider the case of his unfortunate country,—its centuries of confusion, discord, and discontent,—its centuries of blood,—and all to maintain a Church over a people, with which the people held no sympathy. He regretted, that the noble Lord had not brought forward this measure quite in the spirit in which he thought he ought. But he would not now renew any portion of the controversy which the measure occasioned last year. He was content to let the past be buried in oblivion, and to look to the future. He saw a new Cabinet before him, and he hoped and trusted, though the present was not a very decided step, that he might take it as an indication of an intention to do something for the improvement of Ireland—he hoped and trusted he might consider it a symptom of better days approaching. The very party who sent the hon. and learned Gentleman here, were those who had an interest in perpetuating the old abuses. All the instruments of the Government were composed of the same materials. Even the principal law-adviser of the Crown, if he were here, would no doubt second, with extraordinary zeal, the views of the hon. and learned Gentleman, whatever the anxiety of that hon. and learned Gentleman to abridge the liberties of the Irish people. They had had some promising changes of Government, but the system was bad. All the official personages in Ireland had belonged to the ancient party, whence it followed that those who were at the head of affairs here were kept in the dark; they were strangers to the feeling really existing in Ireland; they had, in fact, been practically led, and practically misled. It was evident, that the measure of last year had not been successful in putting down predial disturbances; whilst it was equally evident that Special Commissions and Insurrection Acts had, when tried, been found fully sufficient for the purpose. As to Special Commissions, they had the authority of Chief Justice Bushe as to their efficacy for putting down disturbances in the Queen's County. The Coercion Bill failed of producing this effect; and why had it failed? Because it was unconstitutional. When the disturbances in Ireland were spoken of, why were they not considered in reference to the circumstances which created them? Was there no predisposing cause? Was it to be supposed, was it to be believed, that the Irish loved outrage for its own sake; that they were so insane as to rush wantonly into mischief that proved most injurious in its consequences to themselves? Before a Government proceeded to coerce, should it not first endeavour to ascertain what it was which produced the state of society which rendered coercion necessary? Should it not endeavour to remove those causes, endeavour to stimulate the trade of the country, add to its industry, and ameliorate its institutions? Was it not by promises of some such improvement—of some such measures, encouragement, and amelioration, that Government obtained the votes of many Members in passing this measure in a former Session? And with this expectation did these Members justify their votes. Now, he should ask, what had been done towards the fulfilment of those promises? Absolutely nothing: on the contrary, the instruments of evil were continued in power in Ireland, and the disgust of the people was aggravated—they felt it doubly galling that those instruments were continued by a Government which had held out so many promises. Who were those who called out for this Bill? The holders of landed property; and their acts seemed to render such a call necessary. The Earl of Limerick turned off his land seventy poor families in the depth of winter. To such as him the Act would be useful. Fifty or sixty of these were helpless females without shelter, or a morsel of food, and they would have been compelled to endure the inclemency of the season, had there not been an unused chapel in the neighbourhood, to which they were allowed to resort for shelter. This statement had appeared in the public newspapers, with the name of a Catholic Clergyman attached to it. Such conduct as that was calculated to create crimes which would call for a Coercion Bill. The Earl of Westmeath, who possessed a small property in Ireland, made similar clearings out. But, of course, they had the right: "the law allows it." Mr. Young and Lord Mount-Sandford (as we understood the hon. and learned Gentleman) had, in the county of Roscommon, availed themselves of the fifteen per cent on the tithes; but had they allowed it to their tenants? Not they, truly. He admitted that, with the control of private property, the Government could not interfere, nor did he propose that it should; but then, it should not encourage harsh landlords, by investing them with office; it should not make Lieutenants, Sheriffs, and Magistrates, of those whose cruelty ground the people, until it drove them into madness. If Ireland were prosperous and at the same time turbulent, then there would be ground for such harsh proceedings; but it was well known, that Ireland, rich in all natural resources, and equal in productiveness to the maintenance of three times her present population, increased as it had been, was, notwithstanding all these advantages, in a state of unparalleled distress. The measure proposed by the noble Lord went to the extent of stifling the voice of petition in the disturbed districts. The noble Lord (Lord Althorp) mistook him, if he thought it was his intention to oppose the measure. Such was not his intention; and he would shortly state why; but he would first ask why it should be necessary to prevent public meetings in those districts where predial outrages existed? Why not, as was the practice under similar circumstances in England, be satisfied with having a notice of the intended meeting given to two Magistrates? Nay, he would not object, in disturbed districts, to have the purpose of the meeting distinctly stated. No one was more anxious than he to give effect to any law which had for its object the putting down of predial excesses; but the persons guilty of these were not of the class who frequented public meetings. The persons guilty of predial outrage were of the very lowest classes of the community. They were generally composed of farm-servants and labourers, and their victims were generally those of their own class. Amongst seven murders committed at one period in Clare, only one was perpetrated on a person not belonging to the humbler class. He was willing to enact, that all persons found out of their houses at night in a proclaimed district, without being able to give a rational excuse, should be liable to be tried for a misdemeanor. This would at once operate as a protection to those who desired to remain peaceable, and a check on those who wished to commit outrages. It was truly painful to contemplate the misery of the country, which drove the people into the commission of crime. The people of Ireland had obtained a character for reckless cruelty, but yet, take out of the calendar the predial outrages, which belonged rather to a state of warfare than a social state, and there was no country in the world in which there were fewer moral crimes committed. In the city of Dublin, with a population of 300,000 persons, there were not two capital offences committed in the year. He would venture to assert that, at the present moment, there were more criminals in gaol in the smallest county in England than in the three most disturbed Irish counties;—namely, Clare, Louth, and Tipperary. Need he remind hon. Gentlemen who were acquainted with Ireland, how highly the moral feelings in the social state were cultivated by her wretched peasantry? Woe to the young man there who should abandon his father in his old age! The daughter who deserted her mother would find no one to hold communication with her. He could not be accused of undue partiality to his country, when he said, that fidelity to the marriage vow was proverbial amongst the Irish, and that for affectionate tenderness to their children they were not exceeded, if, indeed, they were equalled, by the people of any country in Europe. Why, then, were such a people stained with crime? He would answer that question. For 700 years England had governed them, and, up to this time, she had governed them by a faction and for a faction. Before the distinctions of religion were known, others were acted on. There was the English party within the pale, the English party without the pale, and the Irish enemy. There succeeded to those another distinction, the Protestant Aristocrat and the Papist Paria. Was it not time to put an end to this? Even in 1782, it was the faction and not the people who carried the independence of Ireland and the independence which they then won they were unwilling to share. At the period of the Union, Ireland was promised better treatment, and hopes were held out, that she would be placed on an equality with Scotland and England; but successive Administrations had gone on acting on the principle of maintaining the Church Establishment in that country, which was the cause of all the heartburnings and disturbances. Was it not notorious that the present Administration had up to the present moment governed Ireland, if not with the same intentions—and he admitted, that their intentions were not similar—yet in the same spirit and with the same instruments as their predecessors? Were not the Lords-lieutenant, the Sheriffs, the Magistrates, even the Police Constables, with few exceptions, selected from the faction which had so long lorded it over the people of Ireland? Out of upwards of 4,500 policemen, only 329 were Catholics, although the Catholic population bore an inverse ratio to those numbers. Was this the result of accident? No, it was the old mode of governing Ireland. To return, however, to the question immediately before the House: he was willing to assist the Government in affording protection to the peaceably disposed part of the population of Ireland—to prevent them from being dragged from their beds to join in crimes which they abhorred. Indeed it was necessary, that, under the sanction of the night, they should enjoy a temporary oblivion of their misfortunes.

He was glad to perceive, that Government had at length discovered what must be sufficiently obvious to those who would take the trouble to examine the matter, that, as he had always contended, political agitation was a practical advantage to Ireland. He had often been traduced for agitation, but he gloried in the fact, and instead of agitation stimulating the people to acts of outrage, so help him God he believed it had a directly contrary effect. He could refer to facts in proof of his statement. In 1824, after an insurrection had actually occurred, and when the southern counties were ready to burst out into open rebellion, no fewer than 36,000 copies of an address to the people, written by him, were circulated by sir James Lambert, who then commanded 37,000 troops. Even during the existence of Earl Grey's Government, Sir John Harvey made use of an address prepared by him (Mr. O'Connell) in a similar manner, until Sir John Harvey received an intimation that he must desist. It was the most anxious desire of those who with him wished well to Ireland, that agrarian disturbances should cease. Their existence strengthened the hands of her enemies, and gave power to the faction which domineered over her. Each petty village despot throughout the country contemplated the disturbances with delight. A burning or the assassination of a whole family would call the whole body of yeomanry and police into play. The hon. Gentleman concluded by again stating, that he would aid the Government in any attempt to put down agrarian disturbances, and that he was anxious that the law for that purpose should be as efficacious as possible.

Sir *Robert Peel* said, that the question at present under the consideration of the House was, whether the Bill which was last Session passed by a large majority, and was then considered essential for the protection of life and property in Ireland, should be renewed with certain modifications, the effect of which would be to leave the law in force which was directed against the inferior instruments of agitation, and to omit that part of it which was directed against those who were supposed to be the chief causes of the disorders which prevailed in Ireland—namely, those who encouraged systematic agitation? He should rejoice as much as any man could, at any opportunity of restoring the operation of the ordinary law in Ireland. He thought, that any departure from the ordinary law, by the application of coercion, was a great evil in itself, and he could refer with confidence to his uniform course in Ireland when the Insurrection Act was in force, to prove, that no man ever opposed more strenuously the practical application of that Act, however called for by local authorities, than he did, from a conviction that the Administration of such stimulants had a tendency to paralyze the operation of the ordinary law. The question was, whether the disturbances which prevailed in Ireland, the system of nocturnal outrage, were or were not connected with the system of political agitation? If no such connexion existed, that doubtless was a good reason for omitting the clauses in the Coercion Bill which were directed against political agitation; but if, on the contrary, agitation and disturbance stood in the relation of cause and effect—if the system of nocturnal outrage were connected with political agitation, then there could be no honest justification for that House tying the knot round the neck of the inferior instruments, and permitting the abettors and advocates of political agitation to escape untouched. His own opinion, formed on experience and reasoning, was, that there existed an intimate connexion between political agitation and disturbance. The hon. and learned member for Dublin said, that those persons were wrong who supposed that political agitation was the cause of—he would not call them predial disturbances, but—the atrocious crimes which were perpetrated in Ireland. The hon. Member contended, that the more political agitation prevailed, the greater was the security against local disturbances. He stood forward as the defender of political agitation on that ground. What were to be the subjects of political agitation? The hon. Member referred to the effect of agitation on the Repeal of the Roman Catholic Disabilities, and alluded to a letter which he wrote in 1824, and which had a tendency to repress local disturbances. He would admit, that the hon. Member's interference might produce a temporary effect of that description, but was a permanent system of political agitation to be introduced into Ireland as part of the ordinary Government, for the purpose of enabling those who presided over the agitation to control it? He did not mean to deny the influence which the hon. Member and others possessed, who wielded mighty masses of physical power in Ireland to repress local disturbances. Look, however, to the consequences to which such a system must lead. He had himself heard the hon. Member boast a hundred times, that it was owing to his power of inculcating obedience to his wishes, that the measure for the removal of Roman Catholic disabilities was brought about. Might he not when his system should be fully established, apply his power to effect another object, which he still avowed—namely, the Repeal of the Union? Should they purchase temporary peace—should they purchase temporary forbearance—from local agitation and individual crime, at the expense of giving to the hon. Member the power of ultimately being able by working on the physical force of his countrymen to effect the separation of the empire? This, he must say, without wishing to hurt the feelings of any individual, was the conclusion which he had drawn from his experience and knowledge of Ireland, and he found that conclusion fortified by every document which the executive Government had produced upon the present occasion. The Government asked the House to pass a Bill founded upon documents. He referred to the documents, and he found every one of them conclusive in favour of the retention of the clauses which it was proposed to omit. All authority, from the lowest to the highest—from the constable whom Ministers had consulted, to the King upon the Throne, all authority, without exception, concurred in this one opinion, that the system of political agitation and local outrage were inseparable. Under these circumstances, it was a mockery and an act of injustice to strike at the one without aiming at the nobler and more powerful object. On this occasion, he would rely upon no declamation. All he asked for was, that the House would grant him its patient attention for a few minutes, and he would undertake to establish to the conviction of every impartial man, that as far as evidence could be relied upon—as far as the opinion of the individuals who were responsible for the Government of Ireland could be relied on—the renewal of the Coercion Act was necessary for the double purpose of suppressing political agitation and agrarian disturbances. He would not quote the opinion of the Gentlemen who had been consulted by the Lord-lieutenant; it must be admitted, that their opinion was concurrent and conclusive in favour of the extension of the Bill to political offences. He came first to the opinion of his right hon. friend, the Secretary for Ireland. He was asked on the first day of the Session, when he had just returned from Ireland, this emphatic question—"Do you think that political agitation is connected with nocturnal outrages?" His right hon. friend's answer was as follows:—"The hon. Member has asked, whether political agitation has tended to increase outrage and crime in Ireland. I think the language held at many public meetings in Ireland has tended very much to encourage feelings of disobedience to the laws, and to endanger the well-being of society itself. Having been asked for my opinion, I do not hesitate to avow it." ["*Hear,*" *from Mr. Littleton.*] He was glad to hear his right hon. friend acknowledge the correctness of the quotation which he had read. That was the second step in his argument. He now came to the opinion of the Lord-lieutenant, and in order that these things might be matter of record in a corrected form, he must trouble the House by reading the opinion of that high authority, who was mainly responsible for the tranquillity of Ireland. The Lord-lieutenant stated that, "These disturbances have been in every instance excited and inflamed by the agitation of the combined projects for the abolition of tithes, and the destruction of the Union with Great Britain. I cannot employ words of sufficient strength to express my solicitude that his Majesty's Government should fix the deepest attention on the intimate connexion marked by the strongest characters in all these transactions between the system of agitation and its inevitable consequence, the system of combination, leading to violence and outrage; they are, inseparably, cause and effect; nor can I, after the most attentive consideration of the dreadful scenes passing under my view, by any effort of my understanding, separate one from the other in that unbroken chain of indissoluble connexion." That was the third stage. The fourth stage would be the opinions of members of the Government; and here he was entitled to claim the authority of eight out of thirteen Gentlemen in favour of the opinion, that it was most expedient to enact a law directed against political agitation. He called for no disclosure of individual sentiments on the part of his Majesty's responsible advisers; but the noble Chancellor of the Exchequer had voluntarily stated, that out of a Cabinet consisting of thirteen persons, five thought the clauses against political agitation were unnecessary. The remaining eight, therefore, were of opinion that the law ought to be renewed in all its integrity. Thus to the authority of the Lord-lieutenant was to be added that of the responsible advisers of the Crown. He had now arrived at the top of the pyramid, with the exception of one step—the highest authority in the State—that of his Majesty. On the first day of the Session, by the advice of his Ministers, these words were inserted in the speech which his Majesty delivered to Parliament:—"To the practices which have been used to produce disaffection to the State and mutual distrust and animosity between the people of the two countries is chiefly to be attributed the spirit of insubordination, which, though for the present in a great degree controlled by the power of the law, has been but too perceptible in many instances. To none more than to the deluded instruments of the agitation thus perniciously excited is the continuance of such a spirit productive of the most ruinous consequences; and the united and vigorous exertions of the loyal and well-affected in aid of the Government are imperiously required to put an end to a system of excitement and violence which, while it continues, is destructive of the peace of society, and, if successful, must inevitably prove fatal to the power and safety of the United Kingdom." The King, in that passage, not only in the capacity of the highest executive authority, claimed the support and protection of the law, but in the milder and more benign character of the dispenser of mercy, called on Parliament to interfere, in order to protect the deluded instruments of agitation from the consequences which must result from it. Now, he asked the House whether, as far as authority could be relied on, he had not shown, that the opinion of the subordinate officers of the Secretary for Ireland, of the Lord-lieutenant, and of the King himself, as far as his opinion could be inferred from a Speech from the Throne, was in favour of the extension of the Bill to objects which it now appeared would not come within its scope? The course pursued by Ministers with reference to the affair was, in his opinion, calculated to shake the confidence of the people in the Executive Government. It was calculated to shake their confidence in all official documents which might hereafter be laid before Parliament. How could the Marquess Wellesley, whose acute understanding was unable to separate the two species of agitation, administer a law which would, in point of fact, practically establish that separation? And to what circumstances were the political agitators of Ireland indebted for the indulgence which they were about to receive? Was it to the predilection of the Government for liberty? Was it to their horror of coercion? No; but to the accidental circumstance of a disclosure being made, that the Lord-lieutenant was content, in consequence of representations received from this side of the water, to try and administer the law with less power than he considered to be necessary. Ministers had conciliated their differences in the Cabinet; they would not press them to a division, and now on that evening the noble Lord founded his objection to the renewal of the clauses on the ground, that after the disclosures which had taken place—after the knowledge which Parliament possessed that the Lord-lieutenant was willing to administer the law with diminished authority, he could not ask the House to agree to the Bill as it originally stood. Parliament and the country had a right to know what was the nature of the representations which induced the Lord-lieutenant to change his opinion. He did not mean to say, that the House had a right to require the production of evidence upon that point as their justification for passing the Bill now proposed, but he thought that for the sake of the character of the Government and of that mutual confidence which ought to exist between its members—he spoke now on behalf of all Governments—the House had an equitable and a moral right to demand explanation. He had on a former occasion stated his opinion, that the letter written by the Lord-lieutenant ought to be produced; and he thought that it would have been impossible to carry the Bill in all its integrity, after having been informed that on the 20th of June, the Marquess Wellesley was ready to administer the Government of Ireland without the clauses which on the 18th of April he considered to be absolutely necessary, unless Ministers were to give the House a full explanation of the causes which had led to the noble Marquess's change of opinion. He had been charged in another place with having deviated from the uniform course of Parliamentary practice by calling for the disclosure of confidential communications. If anything was said upon that occasion relative to the course which he had pursued in a tone of asperity, it was the last thing which he wished to imitate. For twenty years there had, perhaps, been no person more opposed in politics to Earl Grey than himself. His acquaintance with the noble Earl was exceedingly slight; but he ventured to assert, with perfect confidence, that in the course of twenty years, not a word had fallen from him implying anything like disrespect for his character. Whatever, therefore, was the nature of the observations which were made upon him, he should infinitely prefer confining himself strictly to a vindication of the opinion he had uttered, to making use of any expressions which would be inconsistent with the uniform tenour of the course which he had always observed with respect to the distinguished individual to whom he alluded, particularly at the close of his official career. That there must be private and confidential communications in conducting the affairs of every Government he would at once admit; but it was extremely difficult to draw the line, and to determine when communications ought to be enveloped in secrecy, and when they ought to be the subject of review and animadversion. That a line must be drawn somewhere was obvious, because it would be impossible to allow one public officer in communication with another to give advice and direction upon public questions, and then to shield himself under the allegation, that they were given confidentially, and therefore he would not be responsible for them. He held precisely the same language which he was now employing, when he was in office, with respect to a letter of Lord Ellenborough. He then said, that he could not protect that letter from animadversion; that, as it was written by a public servant, and referred to public matters, the writer must be responsible for the advice which he gave in it. It was a general rule, that private and confidential communications should be excepted from remark; but, if such communications were made the groundwork of any public Act, they became *publici juris*, and Parliament had a right to call for explanation respecting them. If, by any accident, the fact had come to his knowledge, he would not have mentioned it; but, the moment an hon. Member rose in his place, and declared that he had heard from a member of the Government, who had told him that the Lord-lieutenant held a different opinion with respect to the Coercion Bill on the 20th of June from that which he entertained on the 18th of April, he thought it impossible for Parliament not to demand explanation on the subject. The noble Earl (Grey) was wrong in supposing that he (Sir Robert Peel) had declared, that he would not vote for the Bill unless the Marquess Wellesley's letter were produced, and the noble Earl was also wrong in supposing, that upon the occasion alluded to, he had allied himself with the hon. and learned member for Dublin. The fact was, that he voted against the Motion of the hon. and learned Member, the success of which would have had the effect of at once negativing the Bill. He had also heard a surmise from another quarter, that he had entered into a connexion with those to whom he was usually opposed on the subject of the Lord-lieutenant's letter. The hon. and learned Member knew that there was no concert between them on that subject, except that which arose out of his public declaration. When that declaration was made and corroborated by members of the Government, he certainly thought it necessary that the House should know the circumstances under which the Lord-lieutenant's change of opinion had taken place. He thought that the majority of the House would be of opinion, that he correctly expounded the principle which ought to apply to confidential communications. He did not call upon Ministers to produce the Marquess Wellesley's letter; but he thought that Parliament had a right to receive from them an explanation of the circumstances under which it was written. At all events, if he were a member of the Government, he should feel himself bound, in justice to the noble Marquess, and in justice to the high personal honour of the distinguished individual who no longer held a place in his Majesty's Councils, to enter into a full explanation of the circumstances which induced the Marquess Wellesley to take a different view of the subject on two different occasions. He knew nothing of the circumstances, but this he knew, that if the common report were true, which stated, that a member of the Government wrote a letter to the Marquess Wellesley without the cognizance of the Prime Minister, advising his Lordship to address a letter to the Premier of a different purport from that which he had previously written to the Government, he was not surprised at Earl Grey's retirement from office. Why was the answer sent to Earl Grey? Why was it not addressed to the person who made the application? Was it possible that the public business could be conducted with that degree of mutual confidence which was necessary amongst the members of the Government, when such conduct as this was pursued? He was bound in justice to his right hon. friend, the Secretary for Ireland, to say, that he did not believe he had made the communication to the Marquess Wellesley. He thought, that the right hon. Secretary had acquitted himself from the suspicion of having any connexion with the transaction. Next came the question, what course was he to pursue under existing circumstances? It was his opinion, that nocturnal outrage was intimately connected with political agitation. It was undoubtedly true, that amongst a people in a state of suffering like the Irish, there would be occasionally instances of disturbances, whether there existed political agitation or not, but not to the extent which the Lord-lieutenant had described. The noble Marquess said, in his despatch to Viscount Melbourne, 'The cases of crime are so numerous, and 'marked by so many circumstances of 'aggravation, that I must request your 'Lordships' most minute attention to the 'detailed Reports of the Inspector-General, 'wherein a full account is given of these 'barbarous outrages, and of their sys'tematic origin. Lawless combinations, 'secret councils, and nightly outrages, 'are here exhibited in full force. A com'plete system of legislation, with the most 'prompt, vigorous, and severe executive 'power, sworn, equipped, and armed for 'all the excesses of savage punishment, 'is established in almost every district.' The noble Marquess's opinion was confirmed by all the authorities connected with the Government, and yet without any information except that which justified the passing of the whole Bill, they were called upon to omit the most important part of it. Whatever he might think of the whole transaction, whatever might be his opinion of the conduct of the Government, however calculated he might suppose it to be to lower the dignity and authority of the executive Government, he would vote for the Bill as now brought forward, because he would not force upon reluctant instruments, powers which they did not want. If Ministers were content to remain in office, and to undertake the government of Ireland without the clauses directed against political agitation, he would not move the insertion of those clauses in the Bill. He still, however, retained his opinion as to the injustice of visiting the deluded instruments of agitation with severe laws whilst their instigators were allowed to pass unnoticed. In conclusion, the right hon. Baronet thanked the House for the attention with which they had favoured him, and repeated the deep regret which he felt at the course which the Ministers had thought proper to pursue on the present occasion, because its inevitable effect must be to lower the character of all executive Governments, and diminish that confidence which ought ever to be reposed in those documents, which from time to time might be submitted to Parliament as the groundwork of their legislative enactments.

Mr. *Littleton* trusted he should not be thought presumptuous in attempting to follow the right hon. Baronet, because deeply implicated as he felt himself to be in all the transactions which had been alluded to, he was naturally impelled to offer that vindication of his conduct and opinions, which he as honestly believed as he earnestly hoped, would be satisfactory to the House. Before adverting to what had fallen from the right hon. Baronet, he should briefly address himself to some of those arguments which had been advanced by the hon. and learned member for the University of Dublin. He trusted that the whole course of his conduct on this occasion would serve to satisfy everybody who heard him, that he was not an individual at all ambitious, from the situation which he held in the Government, of being armed with extraordinary powers, holding, as he did, in abhorrence everything like unconstitutional authority; but he must take the liberty of stating, that never in the course of his experience in that House, had he given a vote upon any question with more entire satisfaction than he should be able to give on the present occasion, in favour of the Motion which had been submitted by his noble friend. Much as they had heard during the course of last Session against the provisions of the Coercion Bill, he owned, it was to him most singular that during his visit to Dublin, where he had spent the greater part of the last autumn and winter, throughout the intercourse which he had with many individuals of all classes, and of every shade of political opinions in that country, he never once heard a single opinion expressed unfavourable to the principal provisions of that Act. Again and again had he heard those provisions discussed; but always in terms of unqualified approbation; while, from every quarter, especially from parties connected with the districts proclaimed, those opinions were accompanied with expressions of a hearty desire that the principal provisions of the measure should be renewed. It was also singular, that in only one instance, from the period of the passing of that Act down to the present hour, as far as his knowledge extended, had complaint been made of the manner in which the powers conferred by the Act had been exercised.

Mr. *Sheil* said, that Lord Clanricarde had reprobated the measure, and objected to the application of it to part of the county of Galway.

Mr. *Littleton* was quite aware of the circumstance alluded to by the hon. and learned Gentleman, and he repeated that, with one solitary exception, he had never heard of any complaint as to the manner in which the law had been carried into execution. In the case to which he alluded a lady who had been travelling was stopped in the middle of the night, somewhere in the county of Kilkenny, but the complaint had been made through another individual, without her authority, and on a reference to her, which he had felt bound to make, she expressed great indignation that any notice had been taken of it, as she was enabled, without further inconvenience, to pursue her journey on the following day. It was undoubtedly true, as the learned Gentleman had stated, that when a proposal was made to proclaim a barony in Galway, Lord Clanricarde, the Lieutenant, expressed his individual opinion that it was unnecessary to resort to that measure; but at the same time he had judiciously observed, whenever the proclaiming a district was recommended by the resident Magistrates, the Lord-lieutenant would be extremely wrong not to overlook his own opinion, which had been formed on insufficient evidence, having been absent from the barony for seven months, and at once to put the Act into operation. Feeling that it would be necessary, before the conclusion of the Session, to appeal to the House for a renewal of this Act, he had thought he could not do better than supply hon. Members with the information which had been printed in the shape of certain returns as to the effects which the Bill had produced in the county of Kilkenny and in the baronies of the King's County, of Westmeath, and Galway, which had been proclaimed. His noble friend had already adverted to its operation in Kilkenny, from which it appeared, taking a year from the time when it was proclaimed, and comparing it with a corresponding period immediately preceding, that whereas in the latter, namely, the year previous to its proclamation, 1,590 outrages had been committed, in the subsequent year only 331 had occurred, showing a diminution in that county of 1,259. In the case of the King's County, which had only recently been proclaimed, it was not possible to take so considerable a period; but in the three months before its proclamation, there had been 113 outrages, and in the same period since its proclamation, only 40; while in Westmeath, in the month preceding the proclamation, twenty-one outrages had been committed, and in the corresponding month afterwards only three. This he thought would afford sufficient evidence to satisfy the House, that the measure had been as effectual as could have been well anticipated, in the disturbed and most unhappy condition of Ireland, wherever it had been carried into effect. In order to show the real condition of those districts which had been proclaimed, he would read an extract from a letter which he had received in April last, from Lord Oxmantown, relative to the state of King's County, of which his Lordship was Lord-lieutenant; but it equally described the condition of all those districts to which it had been found necessary to apply the provisions of the Coercion Act. His Lordship said;

'That the ordinary laws of the country, 'administered by a Magistracy zealous 'and upright, are unable to withstand an 'organized combination, both reason and 'experience have fully proved. Why it 'should have been so is very obvious. 'The combination is directly opposed to 'the law; and it is stronger than the 'law, because it punishes the violation of 'its mandates with more severity, and infinitely more certainty than the law does. 'If a peasant resist the combination, it is 'scarcely possible that he can escape 'punishment; but if he violate the law, 'his chance of escape is at least 'fifty to one in his favour. You 'will find that I am warranted in 'what I say, by a comparison of the convictions in a disturbed district with the 'outrages—recollecting that several persons are usually engaged in committing 'such outrages, probably on an average 'not less than five; so that if five be a 'fair average, the outrages should be 'multiplied by the number, to give you 'the convictions which should have been 'had under law, were the law effective in 'every instance.' His Lordship added: 'Although an attentive perusal of the reports of the chief constables will exhibit to 'you a picture of society perhaps without 'parallel in any civilized country not in 'open insurrection, still it will convey but 'an inadequate idea of the suffering peasantry in this state of anarchy. To be 'enabled to judge of it, you must make 'your inquiries on the spot—you must 'hear the tale from themselves. Living 'in a state of perpetual anxiety, their 'lives are wretched indeed. Under such 'circumstances, can we wonder at the 'statement of the Magistrates assembled 'at Belmount Sessions, which was forwarded by them to Government, about 'six weeks ago, to the effect that numbers 'of the respectable peasantry were seeking refuge from this state of things in 'America? With these facts, and with 'the means of information necessarily 'arising from a residence for the last six 'months in the immediate vicinity of the 'disturbed district, I feel I should be 'shrinking in a manner quite unpardonable from the discharge of my duty, if I 'did not strongly recommend Government to take some decisive step.' This description was given by Lord Oxmantown, at the time when he forwarded the application for the Proclamation, and it was a painfully accurate description of the state of society in every district in which the Coercion Act had been applied. He must express his regret, that he had not had time to do that which he thought would have been most interesting to the House, and at the same time extremely instructive, as illustrative of the condition of society in Ireland, compared to that of England,—he alluded to the preparation of a list of committals in the two countries, which he contemplated, but which he was sorry he had not been able to accomplish. In England the calendars comprehended, no doubt, some few cases of murder, forgery, and the other heavy descriptions of offences; but it was ordinarily made up of cases of larceny, robbery, and other crimes of a less atrocious character; but in Ireland those offences formed a very small minority of the calendar. There the greater part of the offences were of an insurrectionary character, which in their features were utterly unknown in this country. That fact, in itself, would be enough to prove, that the law which sufficed to maintain order in this country would entirely fail in its application where a very different sort of offences were found to prevail. He would now call the attention of the House to another branch of the subject—the expenses entailed on counties by the prevalence of disunion and outrage, and the great economy which had actually resulted from the application of this law. In the county of Wexford, great objection had been entertained at one period to the measure, in consequence of an apprehension that it would give rise to additional expense; but to show how utterly destitute of foundation such an objection was, he would merely state, that in Kilkenny such had been the result of the promptitude and efficacy of the powers of the Act, that in the course of this spring, and early in the summer, a reduction had actually taken place to a considerable extent in the constabulary force, and, even in the magistracy, no fewer than two constables, sixty policemen, and one chief magistrate, having been struck off the list, effecting a saving to the county of 1,350*l.* The hon. and learned gentleman (Mr. O'Connell), had adverted to the great advantage which had resulted from the employment of the special commission in the county of Clare, and the still greater advantages which would probably arise from adopting the recommendation of what was generally known under the designation of the Queen's County Report. He was not disposed to question the beneficial results which might attend some permanent legislative measure founded on that Report. Nor was he prepared to deny, that in the case of the county of Clare the sending of the commission at the particular time it was required, had been productive of the greatest possible advantages; but it was the decided opinion of the principal Irish law officers, who were best acquainted with all the facts of the case,—and in that opinion he certainly concurred,—that in those instances in which the Coercion Bill had been applied, special commissions would have been wholly ineffectual. Neither did they think that the adoption of the recommendations contained in the Queen's County Report, would have been sufficient. Although the three clauses of the Act which it was now proposed to relinquish had been very much complained of, from being directed against political meetings, yet they had not prevented the expression of public opinion, as an hon. Member had taken occasion to boast; and, in an early part of the Session, when presenting petitions which he then stated had nevertheless been very numerously and respectably signed. The hon. and learned member for Dublin had adverted, in strictures of great severity, to the political character and conduct of Mr. Blackburn, the present Attorney-General for Ireland. He knew that a strong feeling existed in relation to this subject among some who were connected with Ireland; but he should be acting a most unworthy part towards his hon. and learned friend, the Attorney-General (Mr. Blackburn), if he did not declare, that in the whole course of his political life he had never found a gentleman of greater integrity and firmness of character, or one who was more ready, when the circumstances of the case justified it, to adopt measures of conciliation, and that not from any spirit of base compliance or servility; for in all his (Mr. Littleton's) communications with him, that hon. and learned Gentleman had been equally characterised by firmness, energy, liberality, and independence. Such might not be the opinion of the hon. and learned member for Dublin; but entertaining that opinion himself, he (Mr. Littleton) should have acted a most unworthy part if he did not give his hon. and learned friend (Mr. Blackburn) the benefit of its avowal on the present occasion. The hon. and learned member for Dublin had also complained of the exclusive patronage given to Protestants in Ireland. It appeared, that out of 5,000 places under Government in the constabulary, police, and magistracy in that country, 350 were enjoyed by Catholics; and he was ready to admit, that Government could not better consult the interests of the Irish population than by adding to their number. He now approached that part of the subject to which the hon. and learned Gentleman had principally confined his attention—he meant the clauses directed against meetings of a certain character, and which it was proposed now to abandon. And here he must be permitted to advert to the deep feelings of pain and regret which he (Mr. Littleton) must ever feel when he reflected, that by the indiscreet course which he had permitted himself to pursue in disclosing the opinions of the Irish Government, he had been the means of inflicting on the country the great and irreparable loss of the services of Earl Grey. He must be permitted to say, that no one had ever in the whole course of his political life, so much attracted him as that noble Earl—not merely by similarity of views—not merely by that open and courageous deportment which uniformly characterised that noble Lord on all occasions in public; but he felt especially bound to him by the ties of gratitude,—the result of that unvarying frankness and generous kindness which he had ever displayed, and the confidence which he had reposed in him. The individual did not live for whom he would have made greater sacrifices; the individual did not live from whom he would have borne a rebuke with more entire respect; and as long as he lived he should never fail to reflect with the deepest pain on the unfortunate situation in which he was placed with reference to that distinguished individual. So very strong had been his feelings on that subject, that when the present Government was being constructed by Lord Melbourne, he (Mr. Littleton) had taken the liberty of expressing to him the strong sense he entertained of the unnatural position which he should occupy if he remained in office; Lord Grey having, by an act of indiscretion on his (Mr. Littleton's) part, felt himself under the necessity of retiring. Why he did remain, was not for him to explain; all he could say was, it had not been of his own seeking, God knew. Whether there were any prudence in requesting him to remain, he left for others to say; but he should not have done what he conceived was due to his own character if he did not declare that under the circumstances of the case he had felt the strongest possible reluctance to continue in office. But having said thus much, he hoped he should not offend that noble Lord's feelings, or those of any other party, if on the present occasion he spoke boldly and uncompromisingly the opinions which, as an humble individual, he entertained with respect to the three clauses in question. His right hon. friend (Sir Robert Peel), with that accuracy of memory for which he was so much distinguished, had adverted to a declaration which, in answer to the hon. member for Kilkenny, he (Mr. Littleton) had made in an early period of the Session, as to the connexion which was supposed to exist between political agitation and the agrarian outrages which had prevailed in Ireland. He had undoubtedly stated, on that occasion what he was still prepared to repeat, that the moral effects which had resulted from that system of agitation which had been pursued had been most pernicious in that country, and tended to—he did not like to say sanction, but certainly not at all to discountenance—predial outrage, and had generally been considered in connexion with those baneful effects. But while he entertained that opinion, it by no means followed, that the powers which had been originally directed against meetings of a certain description, were, therefore, necessary in the present state of Ireland. He did not entertain that opinion. There was a description of meetings in Ireland which it was never contemplated to put down. The Bill was to be directed against meetings illegally convened—convened for an illegal object—and where there were dangerous combinations, threatening existing institutions, or menacing the peace and good order of society. At the time the Bill was passed there were two descriptions of assemblies in existence—the one the Irish Volunteers, and the other the National Trades' Union—both of which possessed an extremely general character, and having each a central meeting in Dublin, acquired great power over the country, which enabled them to direct the whole energies of a discontented population in order to effect their own flagrantly wicked designs. Those meetings had been immediately put an end to by the application of this law, and from that time to the present, nothing of the same sort had presented itself. He was quite aware what the right hon. Baronet (Sir Robert Peel) meant by cheering him, namely, that this law had rendered their existence impossible; but if that argument were good for anything, it would go too far. If it were good in 1834, it might also be urged in 1835 and 1836; whereas he (Mr. Littleton) held that fifteen months experience of the quiescence of those meetings afforded a sufficient warrant for the Legislature to relax somewhat the severity of the law, more especially as Parliament might, if the necessity did unfortunately arise, immediately be summoned in order to meet by fresh powers the new exigencies of the case. He did not at all mean to deny, that the opinions expressed by the illustrious individual at the head of the Irish Government, on the 18th of April, recommended the unqualified renewal of the whole Bill; but then the additional interval of two months did justify him in calling that noble Lord's attention again to the subject, and inquiring whether his opinion respecting it remained unchanged. He had submitted to him in brief and general terms very nearly those arguments which he had stated on the present occasion; and he went further, and told the noble Marquess that if he still held the same opinions unaltered, considerable difficulty might be felt in that House in transacting the remaining business of the Session. He stated this fairly and candidly, and he confessed that, considering the intimate and confidential relation in which he stood to that illustrious individual, he did not think he had acted in that respect unworthy of the character which he sustained. He deeply regretted that he had not previously consulted the more prudent judgment of the noble Lord then at the head of his Majesty's Government, as it was, undoubtedly, his duty to do; but believing, as he did, that those clauses were likely to be abandoned, he had not in the circumstances felt, as he should, all the importance of taking that step. The right hon. Gentleman referred to some of the opinions which had been given by Sir J. Harvey and various other officers in favour of the Bill, and contended that they related not so much to the renewal of the three clauses in question, as principally, if not exclusively, to those parts of the Bill which were intended to prevent agrarian disturbances.

Viscount *Howick* said, it was with extreme reluctance that he rose to address the House. On a former evening, after the explanation which had been given by his right hon. friend (Mr. Littleton), it had been with very considerable difficulty that he restrained his feelings; but now that there had been more time to consider the effect of what had been said, he hoped he should be able to avoid anything which would create any difficulty in the way of his noble friend (Lord Althorp), who sat below, and whose Government he was not now less anxious to support than when he had the honour of being officially connected with it. But still he felt, that in what had just passed there were some points which required further elucidation. If he committed any error, he hoped the House would excuse him. He stood in a most difficult situation. He had not been able to consult any individual. Some of his friends remained still connected with Government, and he could not with common delicacy have asked their advice. Still less could he have asked that advice which of all others he should have been most glad to receive, because that individual with whom he was so nearly connected, and whose reputation, if anything could throw a cloud over it, which he did not think was the case, if anything were necessary to set what had passed in a clear light, out of regard to others, that individual would, he knew, have advised him not to speak at all, and would himself not have spoken of anything which might affect others. He thought, however, that in such matters delicacy might be pushed too far; and he must say, although there was much force in the arguments of his right hon. friend (Mr. Littleton) against the three particular clauses in question, and although he too was ready to admit, that in a constitutional point of view, it was most advisable, if possible, to dispense with them, what he wanted to know now was, why those objections had not been brought under the consideration of the late head of the Government before June 23rd. It was stated by Lord Grey in the House of Lords, and that statement had never been denied, that very shortly antecedent to the 23rd of June the question of the renewal of the Coercion Bill was formally brought before the Cabinet—his right hon. friend from his official situation knew that it had been brought forward, no objections were stated by any individual, and the Cabinet came to the unanimous vote that the Bill should be renewed in the shape in which it now lay on the Table of the House of Lords. On that decision Lord Grey had given instructions to the hon. and learned Gentleman the Attorney-General, and the Bill was prepared accordingly. What happened next? On the 23rd of June Lord Grey received a letter from Marquess Wellesley diametrically at variance with the whole tenour of the communication which had up to that moment been received from the noble Marquess; and till Lord Grey broke the seal of that letter he had not even the most distant guess or suspicion that the right hon. Gentleman (Mr. Littleton) was of opinion that the clauses in question could be dispensed with. He should, in conclusion, ask, did not his right hon. friend, in taking credit to himself for the course which he had adopted, do that which, in effect, cast censure upon those from whom he differed? He should not then go further than to observe, that in the present conversation there had been an attempt made by some Members to throw discredit upon the conduct of one, his feelings towards whom he had not language to describe. Of course he did not mean to say, that his right hon. friends near him participated in such attempts—quite the contrary. But he asked, was not a call for three cheers for those members of the Cabinet who had stood up for the people, an attempt to cast censure upon the other portion of the responsible advisers of the Crown, as if they consisted of men who were disposed to trample on the people. He wished, in conclusion, to put to his right hon. friend one simple question; and, in asking it, he should state that he had studiously abstained from seeking any confidence from Lord Grey which might fetter him in any observations he might think it right to make, and that he knew nothing under the seal of secrecy which he should violate by asking this question. He would ask his right hon. friend if, when this communication took place which induced Lord Wellesley to change his opinion, he made the communication simply by himself? Was he the only person who suggested that alteration of opinion, or did the suggestion take place in concert with others, and unknown to the person at the head of the Government? He thought that, for the honour of all public men, that question ought to be distinctly answered.

Mr. *Littleton* said, he should feel great reluctance in refusing to answer any question relating to such subjects coming from his noble friend who had just sat down, but he begged to say, that no man could be morally entitled to receive an answer to such an interrogatory. He really felt bound on principle to decline answering. He might, however, go the length of saying, that within a short time of the preparation of the papers laid before Parliament, the Cabinet had made up their minds to a certain portion of the Coercion Bill; but he confessed, that after making up those papers—a duty which devolved more particularly upon him—the necessity for renewing the Bill in its full extent appeared greatly to diminish. He was ready to admit, that the other duties of his office had prevented his paying that attention to the facts bearing upon the question which he otherwise might, until the time for coming to a decision on it had arrived. A communication relating to the matter was made to the Lord-lieutenant of Ireland, and most certainly had his answer to that been unfavourable, the public would have heard nothing more upon the subject.

Mr. *Feargus O'Connor* said, that the whole of the remarks of the right hon. Gentleman went to prove that the House ought not to allow the introduction of this measure. As to the question which had been put to the right hon. Secretary for Ireland by the noble Lord opposite—if there were not some matters kept behind, why should he hesitate to answer the noble Lord fairly. He thought, indeed, that the confidence which was placed in the present Ministry was a rebuke to Earl Grey. What, however, had Ministers done for Ireland during their Administration, that they should now demand the confidence of the Irish people? "Actions spoke the mind," and what had been the actions or the acts of Ministers towards that country? They proposed the Coercion Bill in another place, and now they proposed to introduce it in that House with so slight an alteration as to render the distinction almost laughable. The people of Ireland would derive no benefit from the measure; on the contrary, it would be found equally oppressive to the labourer and farmer. He knew not exactly upon what principles the present Administration was constructed, but he feared that there was little to be hoped from them in favour of Ireland. He hoped that his anticipations might be disappointed, but much he feared that in the confusion of a new Cabinet the interests of Ireland would be neglected. That Cabinet had already been deprived of its head, but he trusted that the headless trunk of the Administration would not go further in their endeavours to coerce Ireland and keep her in subjection. But the Bill before the House was calculated to produce that effect. It was to be held out as a rod of terror to the people of that country. It was a power given to the landlord over his tenant. He well remembered the celebrated speech made by the Duke of York against the admission of Roman Catholics to the privileges of the Constitution in 1825. That speech had been received, had been cherished in Ireland; it was printed in letters of gold, and hung over the mantle-pieces of every Orange family in that country. Were they, he would ask, to carry this Bill in the same spirit? were they to enact its provisions in every case where the Irish Government were told that it was required? He sat there as one of the Representatives for the largest county in Ireland, and he would say, that he never could consent to such a destruction of the Constitution as this Bill would lead to, particularly with regard to the unfortunate peasantry of that country. He wished distinctly to have it understood, that he did not know the course which the hon. and learned member for Dublin intended taking, but he hoped that whatever clauses that hon. and learned Gentleman might agree to, he would permit none to remain which could be made an instrument in the hands of the domestic aristocracy convertible to the purposes of their despotism. He repeated, that he knew not what course that hon. and learned Gentleman meant to take, but if he went out alone, he should most assuredly vote against the measure at every stage. How could Ministers attempt thus to coerce a population already in a starving condition? Where was the ground for such a measure? Was it that they were to be governed by the timidity of an Irish Lord-lieutenant, who consented to certain terms merely from a fear that the English Government should become unpopular? The whole transaction was unworthy of a wise and liberal Government, and he had no hesitation in saying, that the present Ministry had no portion of his confidence, nor would he rely upon any Ministry until he found it remodelled, he had almost said re-principled.

Mr. *Barron* considered the proposed Bill to be a protective measure against those lawless ruffians who, having neither character nor property of their own to lose, attacked the lives and property of all the respectable classes of society in Ireland. Such being his opinion of the measure, it was unnecessary for him to add that he thought it was one which every honest man ought to support. He could easily understand why the measure was not palatable to the right hon. Gentleman near him, who had once been chief Secretary for Ireland. The right hon. Gentleman wished for something more arbitrary. His disposition had been evinced by the mad acts which had nearly produced rebellion in Ireland; and it was not unnatural that his disappointed ambition should not relish such a measure as the present. He (Mr. Barron), however, was confident that the measure would give great satisfaction to the people of Ireland. At the same time he must declare, that he would have given the Bill his strongest opposition, if it had been brought forward in that House in the shape in which it had been introduced into the House of Lords. The conduct of his Majesty's present Government with respect to the measure had been perfectly justifiable and laudable. Indeed it was impossible that they could think of bringing the measure forward in that House in the same shape as it had been introduced to the House of Lords; for it was evident that as soon as it became known in Ireland that the Lord-lieutenant and five members of the Cabinet were opposed to the severer provisions of the Bill, it would have been impracticable to carry those provisions into effect. He trusted, that from the present time a milder and a better mode of governing Ireland would be resorted to than that which had been hitherto practised. All measures of severity had totally failed in governing that country. Was it not time to have recourse to a new system—to a system founded upon affection, honesty, and common sense? Was it not time to try to govern Ireland like England? That he was persuaded would be the only way to render the people of Ireland attached to the Government. The Irish were a high-minded, intelligent, and brave people, they were determined to be free, and God forbid that they should ever show themselves unworthy of the freedom which they sought. He repeated, that he should give his support to the present Bill, but only as a temporary measure, passed for the purpose of putting down temporary disturbances. He hoped that before the next Session of Parliament his Majesty's Government would be prepared, not with one, two, or three, but with a long series of measures, for the improvement of the condition of Ireland; for it would be found that a long series of measures would be indispensably necessary to remove the existing and varied causes of discontent. He agreed to the Bill because he wished to protect life and property, now in danger; but he did not agree to it for the purpose of supporting a system in Ireland which must be totally eradicated before that country could be placed in a condition in which it ought to be.

Mr. *Clay* thought that the papers on the Table afforded ample justification for the Bill, deprived of the clauses formerly annexed to it; but he could not see in those papers the slightest justification for those clauses. Those papers afforded no proof of political disaffection, but they afforded ample proof of the distress of the population. He had sought in vain in them for evidence of any connexion between agrarian disturbance and political disaffection. He congratulated the House on the return to power of a Government which, professing liberal feelings and opinions, was entitled to their support. As to the changes that had taken place in a few of the individuals of that Government, he did not think that that House or the public had much to do with them. They ought to look only at the measures which were pursued. Indeed, the day had almost gone by when individuals could add to the strength of Government. That was now a weak Government which attacked the popular will and intelligence; that was now a strong Government which accorded with the popular will and intelligence. He trusted that the present

Government would avail themselves of all the advantages which Parliamentary Reform afforded them for carrying a temperrate and conciliatory, but a firm spirit of Reform into all the various departments of the public service.

Mr. *Denis O'Conor* trusted that he should not incur the imputation of dishonesty, if he assured his hon. friend, the member for Waterford, that he could not vote for the present Bill, at all events in its present extent, notwithstanding the assertion that no honest man could vote against it. If the Bill were not exceedingly modified—if it did not omit all that had been objected to in it by his hon. and learned friend the member for Dublin, he should feel it incumbent on him, in the discharge of the duty he owed his constituents, to oppose the progress of the Bill, and most certainly to vote against its third reading. He was strongly impressed with the conviction of the adequacy of the ordinary law of the land for the vindication of justice and the repression of crime; and he was confirmed in that assurance, not only by the assertions to that effect by the Chief Justice and the Crown Solicitor for Ireland, which had already been quoted, but also by his own experience. He saw the law tried, and its efficiency proved, in the county which he had the honour to represent. His hon. and learned friend the member for Dublin had stated the effect of a Special Commission in the county of Clare. He would call the attention of the House to the effects of a Special Commission in the county of Roscommon. But few years had elapsed since that county was in a state of frightful disturbance; the law of the land was entirely superseded by agrarian confederacies; a meeting of Magistrates took place, when disturbances rose to as alarming a height as they had done in any part of Ireland; at that meeting almost every Magistrate who was present considered that nothing short of the Insurrection Act would restore tranquillity; there were but few dissentients—he believed but two or three: the majority, however, yielded to the opinion of the minority, that a Special Commission ought first to be tried. That Commission was tried; Jurors, and witnesses, and prosecutors were had in abundance; convictions were had wherever they were justified; punishments were summary; and the county was restored from the worst state of disturbance to perfect tranquillity. The county, he maintained, still continued in a state of general tranquillity, although it was asserted in the papers laid upon the Table of the House, that it was disturbed to such an extent, that it was one of the counties alluded to, to prove the necessity of renewing the Coercion Bill. Now, he fearlessly contradicted the representations made in those papers of the state of that county. He was astonished when he read them—he made inquiries as to their accuracy, and he was assured they were not borne out by fact. He would take leave to read an extract from a most respectable gentleman from the Assizes of Roscommon. It was as follows: 'The best proof 'that I can give you of the peace of this 'county, is a report of a trial of a soldier 'of the garrison of Athlone, who went with 'a brother soldier, and attempted to break 'into the house of a woman two miles 'from that town. On being refused ad'mittance, two shots were fired into the 'House—she effected her escape from 'the rear of the House, applied to the po'lice, and had the soldiers apprehended—'they were identified, one turned approver '—he proved at the trial that both shots 'were fired by his comrade. The counsel 'for the Crown had them indicted under 'the White-boy Act; but the sergeant of 'the police who commanded the party, 'having admitted, on being questioned by 'Judge Torrens, that the county was 'then, and is now in a state of peace, the 'Judge told the Jury that the indictment 'would not lie against the prisoner—as, to 'constitute an offence under the White'boy Act, the county must be in a state 'of disturbance.' Did not this prove how unwarrantable the representation that the county of Roscommon was disturbed? He would call their attention to this fact, that the barony of Athlone, where this circumstance took place, was that part of the county which was always the least peaceable in times of disturbance; and when it was proved to Judge Torrens that it was now in a state of tranquillity, he was astonished how the Lord-lieutenant could be led to believe, that it was disturbed. His hon. friend, the member for Dublin, had alluded to the mode in which tithes were collected in Ireland, and had introduced the name of Mr. Young, the agent to Lord Mountsandford, in the county of Roscommon. In justice to Mr. Young, whom he was happy to call his friend, he must say that Mr. Young was a most upright Magistrate, and an excellent country gentleman. The hon. and learned Member might manifest surprise at the assertion; but if he were personally acquainted with Mr. Young, he would admit the justice of it. He did, however, believe that the fact stated of that Gentleman was true. He believed, that that Gentleman acted upon the principle of the Bill of the late right hon. Secretary for the Colonies for the recovery of tithes. He believed, that Mr. Young did arrange with the clergyman for the bonus of fifteen per cent, to pay him the tithe, and that he compelled the tenants to pay it to himself, without allowing them the abatement. He requested hon. Members who cheered him to recollect that Mr. Young acted under their own Bill—under the Bill passed in that House. Let them condemn the Bill—he condemned it, and he called upon the House to condemn that Tithe Bill, and to give them a good one. He felt, that the best Peace Preservation Act they could pass, would be a measure of justice to Ireland, which would supersede not only the necessity but the excuse for a Coercion Bill in that country. He would not sit down without congratulating the House on the altered tone with which the present Bill was introduced, totally changed from the tone in which the former Coercion Bill was presented to the House. It was then asserted, that the greater was its deviation from the principles of the Constitution, the more it should be supported. This monstrous doctrine was now repudiated, and an attempt was professed at least to be made to depart as little as possible from the principles of the Constitution. If justice were done to the country, there would be no necessity for the slightest deviation from them.

Mr. *Henry Lytton Bulwer* said, that he would give his support to the greater part of the Bill. He congratulated the House on having a Cabinet which had consented to give up the very objectionable parts of the Bill. An hon. and learned Member had laid great stress on the wretched condition of the Irish peasantry. He (Mr. Bulwer) would apply every possible remedy to better their condition, but that would not prevent him from supporting a measure to give due protection to property.

Mr. *Ruthven* could not sanction the principle of the Bill, as it went to interfere in certain cases with the rights of petition to the Legislature or to the King. He was surprised to hear from the right hon. Secretary (Mr. Littleton) that this measure was approved of by the gentry in Ireland. The right hon. Gentleman must have kept strange company in that country, if he mixed only with those who expressed their approbation of that measure. He could not have associated with the independent country gentlemen of Ireland, or if he had, he would not have heard any approbation of this Bill. He was glad to see a new Ministry who seemed fairly disposed to do justice to Ireland. If Ireland had justice done to her, she would acknowledge and return it with gratitude.

Mr. *Christmas* could not understand the grounds of the very strange and inconsistent course pursued by Ministers. All the causes which were urged in justification of the former Bill were still in existence, and yet they were now told, that a Bill from which the most important clauses of the former Bill were omitted would be sufficient. He did not wish to appear to oppose a measure intended for the protection of property; but he owned, that he felt so strong an objection to this Bill that he did not think he should vote for it.

Mr. *Sheil* was not aware, until he heard it stated in this debate, that any part of the peasantry of Ireland were anxious to see locks placed on their hovels after sunset, or were disposed to see power given to the Lord-lieutenant of placing them almost under Martial-law. He did not believe, that any feeling of this kind prevailed amongst the people of Ireland. The noble Lord (Lord Althorp) had made a statement as to the necessity of this measure, but he had not adduced any evidence to justify what the noble Lord himself considered a violation of the Constitution. In order to justify such a measure the noble Lord was bound to make out a strong case. Now what case had he made out? On what authority did he rest? Was it on that of the right hon. Secretary for Ireland? He was not disposed to lay any great stress on his authority; for that right hon. Gentleman had shown that he was prepared to vote for the whole Bill, though there were certain clauses of it which he did not approve. Still less could he rely on the authority of the Lord-lieutenant, for he found that on the 18th of April, the Lord-lieutenant was for the renewal of the whole Bill, though on the

21st of June he was satisfied to have a greatly modified Bill. The House had not the ~~latter~~ document before them, which they had a right to complain of. He would not say, that its non-production was a *suggestio falsi*, but it did amount to a *suppressio veri*. If the Government relied on the opinion of the Lord-lieutenant in June for a particular course, why did they not produce that opinion? This, he must say, was a fraud on the public. It also appeared that five Ministers had changed their minds on it, and would vote for the measure when out of the Cabinet, though they disapproved of parts of it. He pressed this to show, that there was no sufficient authority for the ground on which the Bill now stood. Some of the Ministers had exhausted their eloquence in favour of the Court-martial clause; they now admitted, that they were mistaken. Might they not be equally mistaken as to the necessity of the Bill even in its present shape? Under these circumstances, what authority was there to show, that the Constitution ought to be violated, and that they could not restore tranquillity by the vigorous enforcement of the law as it stood? He was astonished at the evidence of Lord Oxmantown, and at the weight that had been attached to it, for it had been his Lordship's speech which had so mainly contributed to the carrying of the Court-martial clause. He had the greatest possible respect for his Lordship, but when he saw Lord Oxmantown brought into collision with the peasantry of the country; when he knew that at the last hustings he was obliged to go armed with pistols in his pocket: when he recollected these and similar facts, he must confess that he looked upon him and upon his authority on such a subject with great suspicion. His Lordship now asked for the political clauses; and why reject those clauses, and yet refer to his evidence touching other parts of the Bill? He had better evidence to guide the House upon this subject. He would refer the House to the evidence of Lord Chief Justice Bushe, who distinctly stated, that he deemed the existing laws of the land to be amply sufficient for the preservation of the public peace, provided they were vigorously put into execution. He had on his side the facts of every Special Commission that had ever been issued, for they all proved efficient in restoring the public peace. Why did not his Majesty's Ministers refer to the evidence of the Judges of Assize? He had seen the evidence of those Judges. Baron Pennefather had said to the Grand Jury of Clare, where fatal outrages had existed, that he had looked over the calendar, and had found that it was entirely free from the crimes that had once visited that country. Lord Chief Justice Bushe had said to the Grand Jury that he had looked over the calendar, and he was happy to find, that it contained no case of a serious nature. He asked the right hon. Secretary for Ireland whether he had taken the trouble to inquire of the Judges whether they thought that the existing laws of the land, if vigorously enforced, were or were not sufficient to put down disturbances? Why not enforce the laws? Ministers admitted, that Juries would now do their duty, and why not then issue Special Commissions? What had the Irish Secretary said upon this subject, but that the country could not have a Special Commission, because it would cost so much. He had added, that there could be no Special Commission until the gaols were full, because the costs of the Commission were too high. Was this a circumstance that could for a moment be attended to in that House? The right hon. Secretary had said, that there was no instance in which the powers of the Coercion Bill had been misapplied. He would reply, that they had been improperly applied in the county of Galway. Then the right hon. Secretary had added, that the county of Kilkenny afforded a sufficient proof that no evils could arise from carrying into execution the powers of the Coercion Bill. He denied the fact. The county of Kilkenny had applied to Government for the liberty of holding a public meeting, for the purpose of peaceably and respectfully petitioning Parliament upon the subject of tithes, and Ministers had refused the permission. Was that right, he asked? Ought such a power as this to be intrusted to any Lord-lieutenant? He put it to the House whether this part of the Bill was not, strictly speaking, political? If the Lord-lieutenant should wish to prevent any meeting whatever, he had nothing to do but to proclaim a district to be under the Coercion Act, and he would gain by this means what he could not accomplish by a more direct mode of proceeding. This Bill was such as the Tories themselves had never ventured to introduce into Parliament; for in the Insurrection Act no such power had been given to the Lord-lieutenant. He submitted two propositions to the House. First, that there was no sufficient case before the House, no evidence to justify the giving of such a power to the Lord-lieutenant to suppress all public meetings. He had one observation more to make on this subject. Did not the Members on the other side of the House admit to the full extent the existence of Irish grievances? They had made this admission, and they had not applied any remedy. They admitted, that the Established Church was too highly endowed; and were not the Irish, he asked, to be allowed to petition against such a grievance? Ministers said, they were determined to put down all clamours against tithes, the injustice of which tithes they had themselves so often acknowledged. He called upon Ministers to remove the grievance in the first instance; and if that did not succeed to put down disturbances, then he would consent to their applying such a remedy as was now proposed. Lord Melbourne had said, that if he should find it necessary, he would even call a Parliament together in order to enact the political clauses of this Bill; and why might not his Lordship rest the whole case upon the same grounds, and call a Parliament to enact the Bill, provided predial disturbances should hereafter exist? From the year 1810 to 1814, more disturbances had existed in Ireland than at the present day. From 1814 to 1822, more outrages were committed than at present. In 1819, the Sheas were burnt, and other outrages had been committed. What had occurred in the next Session? Ministers had tried the interval, and, upon the opinion of the Judges, they had issued a Special Commission, and had placed their dependence upon Juries. At present, Ministers acknowledged that the High Sheriff could cite a body of yeomen who would do their duty; and why then did they call upon that House to suspend the Constitution? Ministers had changed their minds with reference to three clauses of the Bill; and was it, he asked, impossible for them to change their minds on the whole measure? Let them pause. Why did they not write to the Lord-lieutenant and say, that as he had changed his mind on three of the clauses, it was possible he might change his mind on the whole of the clauses that violated the Constitution? He felt it his duty to vote against the Bill in the first stage, and notwithstanding that he anticipated its passing through the first reading by a very great majority, he still hoped that it might in the Committee undergo great changes. The five had recently yielded to the seven in the Cabinet, and now the seven yielded to the five; and he had yet hopes that those who now supported the Bill might be induced to change their opinions.

Mr. *Abercromby* would detain the House but a very few moments. He should not have risen to make any observations whatever, had it not been for some things which had fallen from the hon. and learned Member, and which he could not suffer to pass unnoticed. He was sorry to say, that the hon. and learned Member's speech had partaken more of the character of a lawyer, than that of a Legislator. The speech, in fact, had been purely legal, and was in no respect adapted to the meridian of that House. The hon. and learned Gentleman had said, that his Majesty's Ministers had assumed it as a matter beyond all question, that a good case had been made out for the propriety of passing the Bill which his noble friend had introduced. He denied the assertion, for his Majesty's Government had fully stated the grounds upon which they called upon Parliament to agree to the measure they had laid before it. With respect to the change of opinion in the noble Lord at the head of the Irish Government, he begged leave to remind the hon. and learned Member, that that change had been limited to only three clauses of the Bill, and that it did not relate to the general character or propriety of the measure to be introduced. That part of the Lord-lieutenant's opinion had never changed, and it still remained unshaken. The hon. Member had argued like a lawyer, that because the noble Lord had changed his opinion once, he might change it again; but was it to reason closely to suppose, that because he had changed his opinion upon only one point, it was likely that he should change it upon the whole measure? But the real question was, if a case had been made out to establish the necessity of the Bill. He would refer to the Report of 1832, which had had so much respect paid to it by the Gentlemen of Ireland, that on the present occasion they proposed, that that Report should now be reprinted for the information and guidance of hon. Members. He agreed with that Report, and he contended, that there had existed then, that there did exist at present, symptoms such as justified the passing of the Bill which the House was called upon to sanction. He contended, that such symptoms were in full force, and he feared that they would be in full force much longer, inasmuch as they were evils arising out of the very state and condition of Ireland. The question was, whether the evils were not likely to be increased by the advancing prosperity of the country. Paradoxical as it might appear, he contended, that this would be the case. Every man in Ireland was connected with the land, and in passing to an improving state of society, the progress led to a dispossession of persons from their tenements; and if proper provision was not made for them, it threw back upon society a class of persons, that under such circumstances, would always prove troublesome and dangerous. He had heard that night, statements of oppression on the part of landlords, that would tend to increase the danger. The papers before the House amply showed the actual condition of Ireland. He asked the hon. and learned member for Tipperary only to compare the crimes of the present day with those of former times. There was a strong resemblance between them, with the exception of one practice, which afforded a clear indication of the improvement of the country. In former times crimes arose out of the hostility of the poorer classes to the Magistrates and landlords; but at present there were few offences of this nature. The present crimes rose naturally out of the existing state of society. The offences were those of a people of an ardent and impetuous temperament, of lawless habits, and they endeavoured to obtain redress for grievances by violence, which redress, in a better state of society, would be sought after in Courts of Justice. When it was said, that there was nothing in the state of Ireland at this moment to authorize this Bill, or any such severe measure, he begged the House to look to the state of Ireland. Government had not been charged with misconducting themselves there; and he would ask, if it was safe and proper for Government, out of regard to the lives and property of individuals, not to have recourse to this measure, though severe. He was of opinion, with the noble Lord, that this was a fit and proper measure. The consideration he had given to the Report of 1832, had convinced him of the necessity of devising some measure to secure person and property in Ireland, as nearly as possible analogous to the principles of the Constitution. Nothing was more injurious to Ireland than to resort upon all occasions to temporary laws of severity, which were productive of discontent; but in the present instance, a clear case was made out to show, that a strong measure was requisite. Looking to all the circumstances of the case, he was satisfied that the Government were not in a condition to govern Ireland without a measure of this nature, omitting the clauses that had been excluded, "I trust, (continued the right hon. Gentleman) "this will be the prelude to an interval of peace, and every interval of peace will add to the strength and security of the community of Ireland. Those who possess a power and influence over the people of Ireland ought to be responsible for the way in which they exercise that power: we are upon our trial; they are upon theirs. If we find that we have been mistaken, and stern necessity drives us to enact the clauses which have been omitted in this Bill, the responsibility will not rest with the Government, who placed confidence in the people of Ireland, but on those who shall have abused the indulgence of the Legislature."

Colonel *Perceval* said, that the right hon. Gentleman who had just sat down had attempted to draw away the attention of the House from the question actually at issue, and by a reference to other subjects, had made an impression upon the House. The right hon. Gentleman also appealed to the influential Member below him, to whom it appeared the charge of preserving the peace of Ireland was to be confided by his Majesty's Government. The right hon. Gentleman talked of the responsibility which the hon. and learned Gentleman, the member for Dublin, incurred in the event of his again agitating Ireland; but it was his Majesty's Ministers who incurred a heavy responsibility, in not preventing the possibility of his doing so. What confidence could either Whig, Tory, or Radical, place in the Administration, as at present constructed—an Administration which eight days since introduced the measure in its totality (to borrow a phrase from the hon. and learned member for Tipperary), and now introduced another measure totally different. He believed that the measure as originally introduced, was absolutely necessary to preserve the peace and tranquillity of his unfortunate country—and therefore it was with extreme regret he found his Majesty's Ministers abandoning the most efficient portion of it. The hon. and learned Member below him (Mr. Sheil) stated, that Ireland was now tranquil—but what was the fact? Since the 3rd of May, three counties had been proclaimed ["*No, no!*"] He was sure no hon. Member, however he might differ from him, would, for an instant, believe him capable of wilfully mis-stating a fact. Since the 3rd of May, portions of three counties in Ireland had been proclaimed—namely, Westmeath, the King's County, and the barony of Longford, in the county of Galway. Was it just, then, to state, that when it was an ascertained fact, that portions of three counties had been proclaimed within a space of less than three months—that Ireland was in a state of perfect tranquillity. It was his opinion, and it was also he knew that of the Secretary for Ireland, that were it not for the Coercion Bill, insubordination would have spread considerably in that country. The hon. and learned member for Tipperary had inferred, from what two Judges had said on the late circuits, that the whole of Ireland was in a state of tranquillity; but his assertion was not borne out by the fact. Earl Grey considered the Coercion Bill, in the form in which he introduced it, as essential to the preservation of the peace of Ireland; and in that opinion, nineteen out of every twenty of the well-educated portion of the inhabitants of Ireland concurred. On the 18th of April, the Lord-lieutenant of Ireland applied in the strongest language, for the renewal of the measure, and stated, that the whole of the Bill was necessary. That letter was before the House. But they were informed, that on the 23rd of June, he had altered his opinion; and now, because that fact became known—notwithstanding that he had changed his mind since that period—his Majesty's Ministers, who, eight days since, were pledged to the measure in its integrity and totality—now came down to the House and introduced a Bill totally different in its nature. The House had no right to act, except upon the evidence before them; and as the letter of the 23rd of June was withheld, the Bill ought to be passed as originally introduced. But, suppose that letter were produced, and the differences in the Cabinet cobbled up—he would ask, was it just to coerce the peasantry, and leave the educated portion, who goaded the people into acts of violence, and who were, therefore, in his opinion, greater culprits than the others?—was it just, he would ask, to permit one class to go free, while the other was to be restrained? But it was manifest that there was an understanding between his Majesty's Ministers, and the hon. and learned Gentleman below him (Mr. O'Connell). It was, he supposed, expected, that that hon. and learned Gentleman would cease from that agitation to which he attributed much of the crime which had recently disgraced his country. His opinion of the truth, that such an understanding did exist, was strengthened by the feeling appeal which the right hon. Gentleman (Mr. Abercromby) had just made to the hon. and learned member for Dublin. He had heard an hon. friend of his impugned last night for accusing his Majesty's Ministers of yielding up the Protestants of Ireland to the agitators. He endeavoured more than once in the course of that debate to address the House, for the purpose of stating his readiness to have any odium, which a participation in his hon. friends sentiments may justly entitle him to. In the course of the debate this evening, the hon. and learned member for Dublin had been styled by members of the Government as "the right hon. Gentleman." He was, he made no doubt, entitled to the appellation. He looked upon him as the Law Officer of the Crown in that House, and he wished his Majesty's Ministers would boldly come forward and frankly acknowledge that he was their right hand in that House. He wished the hon. and learned Gentleman would be more sparing of his abuse of individuals who were not present to defend themselves. In the course of his speech that night, he had attacked some friends of his, one of whom (Mr. Young), had ample justice done to his character by the hon. member for the county of Roscommon. With respect to a noble friend of his (Lord Mountsandford), who had been assailed by the hon. and learned Gentleman, he could take upon himself to say, that in the British empire there was not to be found a more amiable, or benevolent person, nor was there a better landlord. He would appeal to all those Members who resided in the neighbourhood of his noble friend's property, to confirm his statement—and he therefore regretted that the hon. and learned Gentleman should so far forget himself as to indulge in abuse of one, who in every relation of life was deserving of the highest approbation. The hon. and learned Gentleman also attacked another noble friend of his (the Marquess of Westmeath). The charge against that noble Lord was, that he had dispossessed tenants. He would have done the same. In the instance alluded to, the tenants owed two years' arrear of rent—and was it for a moment to be maintained, that under such circumstances they were to be left in undisturbed possession of his property? He knew from the Marquess of Westmeath, that when he dispossessed them he forgave them the arrears due from them, and advanced them money to transport themselves elsewhere. The noble Marquess could not afford, no more than he could, to allow his estate to be occupied by persons who would not pay rent for it—and under the circumstances, his conduct was such as to call for commendation rather than reprehension. He would not occupy the attention of the House further than to say, that if his Majesty's Government calculated upon the support of the hon. Members below him by appealing to their feelings in the mode adopted by the right hon. Gentleman, they would be miserably deceived. If they went on sacrificing principle at the shrine of conciliation, and departing from the straightforward and manly course, they might obtain a temporary support, but they would ultimately bring an extinguisher upon their own heads, as well as their colleagues; and the sooner it came the better.

Mr. Secretary *Rice* said, that some observations had fallen from the hon. and learned Gentleman, respecting a noble friend of his, which, out of regard both to the cause of truth and to the character of his noble friend, obliged him to offer some few remarks to the House. In the first place, however, he must advert to the general principle which had been laid down by the hon. and gallant officer, and respecting which he fully and entirely concurred with him. He thought that that general principle, and the observations with which he accompanied it, afforded a pretty satisfactory answer to certain subsequent observations which he was pleased to make. It was perfectly true, that any Government which attempted to govern Ireland out of regard or deference to the prejudices or interests of any one of the contending parties in that country would fail and ought to fail. But he would take upon himself to say, that the hon. and gallant Gentleman and his friends had not been, on all occasions, disposed to consider the governing of Ireland in reference to the interests of a particular party in that country so serious an offence as he was now disposed to consider it; and he believed, if Ministers were inclined to reverse their conduct with regard to the peculiar views and interests of the hon. and gallant Officer and his friends, so far from its being made the subject-matter of reproach, they would have been lauded and cheered by the hon. and gallant Officer and his friends—we should have been told—"Now, indeed, you are suppressing the cry of the repeal of the Union—now, indeed, you are supporting the Protestants of our country—now, indeed, you are conciliating the real attached friends of Ireland and England—we will now give you our confidence, not because you are governing Ireland impartially, but because you are putting yourselves, bound hand and foot, into our hands. He was not disposed to quarrel with his hon. and gallant friend who had preceded him—he meant an amicable quarrel of course, for it was quite as impossible for him to quarrel with the gallant Officer on private matters as to agree with his political views. The cause of quarrel on the present occasion which the hon. and gallant Gentleman had thrown out was, that the Government had surrendered their own judgment in reference to this measure to that of the hon. and learned member for Dublin; but still the hon. and gallant Member had admitted in the course of the present discussion, that the hon. and learned Gentleman, and those who usually acted with him, were not disposed to join the Government in the present matter. Could it then be charged to the Government, even on this admission, that a coalition had taken place between the Government and the hon. and learned Gentleman opposite? He was certainly surprised at some of the observations which had fallen from the hon. and learned member for Tipperary.

Would that hon. and learned Gentleman, or any other hon. Member, venture to maintain, either in his place in Parliament or even in private, that it was inexpedient to enforce by law, for the sake of the peasantry and farmers of Ireland, such regulations as would give to these classes peace and security to themselves and families in their dwellings? Would the hon. and learned Gentleman undertake seriously to maintain such a proposition? That some measure of protection, some remedial provisions, were called for, even by the peasantry themselves, he could from his own personal knowledge most distinctly state. The people themselves called for protection, and claimed it at the hands of the Legislature of the country. The people sought and wished for protection from the miscreants who, without property in the country, went forth administering oaths, establishing confederacies, and by these means throwing the whole face of the country into complete confusion. He repeated that, in the course of his own experience of the country with which he was connected he had seen this, and hence it was, that he now stated, that the Roman Catholic clergy, the peasantry, and farmers of that country sought for protection to their homes, their families, and for every thing that would enable them to follow their own habits of industry and labour. If this, then, were true, and he stated it as the result of his knowledge of affairs in Ireland, what, he would ask, became of the argument of the hon. and learned Member? Why, if it was good for any thing, it went to this—that the Legislature ought not to pass any bill at all, but should rather leave Ireland in its present state and condition. He must remind the House, in corroboration of this assertion, of the report of the Select Committee appointed under the suggestion and on the Motion of the right hon. Baronet, the member for Dundee, (Sir H. Parnell), and what became, he must ask, of the evidence appended to that report,—evidence which he had never heard attempted to be controverted until the ingenuity of the hon. and learned Gentleman opposite had essayed to observe upon extreme cases? While he must admit that, the report of Sir Henry Parnell's Committee was in itself invaluable, he must contend, that the present advanced period of the Session was not the time for any effectual or beneficial purpose to bring it forward, and especially for the purposes which had led to its introduction on the present occasion. Leaving this topic, he must now observe, that it was somewhat hard, that the names of individuals should ever be introduced to the House without at least more consideration being given to their conduct than could be gleaned from mere newspaper reports. He alluded to the mention which had been made by the hon. and learned Gentleman opposite of the assumed conduct of a noble relative of his, in reference to the estates possessed by his noble relative—he meant the Earl of Limerick. He had seen the newspaper long since, and he could take upon himself to state, that a more unfounded and completely exaggerated statement never was sent forth than that contained in the Mayo newspaper, the authority upon which the hon. and learned Gentleman had based his charge. The paper in question was, he believed, the only one from that district which the hon. and learned Gentleman would receive. He was satisfied, that the hon. and learned Gentleman could not have seen the complete refutation which had been given in another journal to the assertions of the particular newspaper on which he had grounded his charge. He should take the liberty of placing these papers, and other corroboratory documents before the hon. and learned Gentleman, and with this promise, he should leave the charge which had been made in the course of the present discussion against the Earl of Limerick. With reference to what had fallen from the right hon. Gentleman opposite, he begged to remind him of what took place in the year 1822. In the February of that year, at the time of the formation of the Wellesley Government, and when the right hon. member for the University of Cambridge was Chief Secretary for Ireland, two Bills were introduced into that House. One was intended to put down political agitation, and the other to put down what was called predial disturbance. One was the suspension of the Habeas Corpus Act, and the other was the Insurrection Act. These Bills were founded upon papers then laid upon the Table of the House, and he acted with regard to them precisely as he intended to act now. To the Insurrection Act, which was intended to give protection to life and property, by putting down predial agitation, he assented reluctantly;

but still he did assent to it. To the other Bill, the political Bill, that for suspending the Habeas Corpus Act, he refused his assent. The Legislature, however, passed both; but what happened on the 1st of August of the same year when they expired? Why, that the Government abandoned the Act which related to political agitation, but renewed the Insurrection Act. He did not complain of this; but if it was proper in the right hon. Gentleman opposite and his friends then to make this kind of distinction, it was rather strange that they should now turn round upon the present Government to reproach it for following their example; for the severance of the parts of the Coercion Bill amounted to no more. It had been truly stated, that after the declaration of the Irish Government had become known, it would have been impossible to carry the Court-martial clauses in that House; but supposing it had been possible, what, he must ask, would have been the effect of carrying them under such circumstances? He moved the Amendment to the Motion of the hon. and learned member for Dublin for the Repeal of the Union, and had the honour of being supported by a large majority of that House; but he would put it to the hon. and learned Member, he would put it to the House and to the country, to say whether a stronger argument could have been desired by the hon. and learned Member, than being able to say, that the objectionable clauses of this Bill had been disapproved of by the Irish Government; but that an English House of Commons, and an English Cabinet had forced them upon a reluctant Irish Administration? He would take another opportunity of putting the hon. and learned Gentleman in possession of the particular facts to which he had before alluded; and if he should satisfy the hon. and learned Gentleman, as he did not doubt he should be able to do, he should leave it to his candour to acknowledge it. He was reminded, that it had been said by the hon. and gallant Member (Colonel Perceval) that his Majesty's Ministers had come to an understanding with the hon. Gentlemen opposite. Certainly when his right hon. friend said, that whilst the Government was prepared to do without these clauses, he knew perfectly well, that others were also responsible for the tranquillity of the country, he used terms not without significance; but if the hon. and gallant Member thought they proved the existence of such an understanding as he described, the meaning he attached to them was very different from that which, rightly construed, they properly bore. It might be relied upon that the hon. and gallant Member and his friends would not dragoon them out of measures they thought beneficial, by threatening them with an imputation of the kind of understanding alluded to. His Majesty's Government would not be frightened from doing that which would be popular in Ireland, by the dread of such an understanding being imputed to them. They would do their duty to Ireland; and if it met the approbation of different parties in that House, so much the better. They took it as incident to a proper measure, and it would be as great cowardice to shrink from the supposed approval of the hon. and learned member for Dublin, as it would be to shrink from his opposition. He had not shrunk from his opposition, and he should not shrink from receiving support to a measure good in itself, let it come from what quarter it might.

Mr. *Ronayne* protested against the re-enactment of the Bill in the face of the statements put forth by the Judges of Assize to the Grand Juries of Ireland that the law was sufficiently powerful to meet any disturbances which might occur. He relied especially on the recent charge of Mr. Baron Pennefather, delivered to the Grand Jury of Clare, in the town of Ennis, and concurring in that opinion so expressed by such authorities, he should oppose the re-enactment of the Bill.

Mr. *Cobbett* attributed the mitigation of the provisions of the present Bill from those of the measure of last year solely to the noble Lord opposite. He should, however, vote against the introduction of even the proposed measure, though he supposed it would be carried, and that the other House of Parliament would not refuse its assent to it. He should vote against it, putting up his prayers that it might tend to no ill effects but to those who had introduced it.

The House divided—Ayes 140; Noes 14: Majority 126.

The Bill was subsequently brought in by Lord Althorp, and read a first time.

List of the NOES.

Attwood, T.	Christmas, W.
Blake, M. G.	Cobbett, W.

Evans, Colonel
Fielden, J.
Lowther, Colonel
Martin, T.
O'Dwyer, A. C.
Ronayne, D.
Ruthven, E. G.
Ruthven, E.
Scholefield, J.
Vigors, N. A.

TELLERS.

Sheil, R.
O'Connor, F.

Trading Companies.] The Attorney General moved the second reading of the Trading Companies Bill.

Mr. *Patrick M. Stewart* expressed a hope that the Bill, which involved a most important principle, would be postponed, for at that late hour, many hon. Members had gone away under the impression that it would not be proceeded with.

Mr. *O'Connell* concurred in thinking, that the Bill ought to be postponed.

The *Attorney General* could not accede to the request of the hon. Members, but must call on the House for a decision on the Bill.

Mr. *Patrick M. Stewart* said, that while he assented to the principle of the first clause of the Bill he must protest against the last clause, both in principle and detail. It retained an exclusive right of banking to the Governor and Company of the Bank of England, and to this he must object, after the question had been discussed no less than three times in this House. The whole aim of the Bill was contained in the latter clause.

The *Attorney General* looked for the support of his hon. friend on the second reading, as he approved of the principle of the Bill, but objected to the proviso: but, in fact, this proviso decided nothing, but merely saved what might be declared to be the existing privileges of the Bank of England.

Mr. *Aglionby* thought the objections to the proviso were groundless, and he should support it in the Committee.

Mr. *Tooke* objected to the proviso, as introduced with an insidious aim; but he should not oppose the second reading.

Lord *Sandon* wished the hon. and learned member for Edinburgh to explain the objects of the Bill before he consented to the second reading.

The *Attorney General* observed, that he had not neglected to follow this plan when he moved for leave to bring in the Bill, and it was simply to enable Corporations to sue and be sued by one of their officers.

Mr. *Thomas Attwood* objected altogether to Joint-stock Companies for purposes to which individual industry was competent. He hoped the hon. and learned Member would pause, and postpone this Bill till next Session, when the sense of the country on the question might be understood.

The Bill was read a second time.

Observance of the Sabbath (Bill No. 2).] On the question for the third reading of the Lord's Day Observance Bill (No. 2) being put,

Mr. *Cayley* remarked, that he could not consent to a Bill which obtruded on the public the restrictions of past Acts of Parliament without the exceptions. He should propose a clause, of which he had given notice, which would have the effect of removing this blot from the measure. The hon. Member was proceeding to read his clause, when

Mr. *Poulter* observed, that the proper time for the hon. Member to move the insertion of his clause would be after the third reading, on the question, that the Bill do pass.

Mr. *Cayley* intimated, that he should not oppose the third reading; but would wait till the next stage of the Bill to bring his clause forward.

Mr. *Poulter* said, that the hon. member for Yorkshire was much mistaken if he supposed that the Bill was intended for any other purpose than the suppression of Sunday trading. There was nothing in it to prevent any person taking exercise either by land or water. He trusted, therefore, that the House would agree to the third reading.

Mr. *Hawes* had supposed, that the measure related only to a prohibition of Sunday trading, but, on examination, he found that it went a great deal further. In the first place, it called into operation the 29th of Charles 2nd, and put a stop altogether to Sunday travelling. Thus, even steam-boats would not be permitted, and he took upon himself to say, that unless the House encouraged innocent recreations among the poorer classes, it would be quite useless to appoint Committees to inquire into the best means of checking the growth of drunkenness.

Mr. Potter moved, as an Amendment, that the Bill be read a third time that day six months.

The House divided on the original Motion—Ayes 57; Noes 24: Majority 33.

Mr. Cayley moved the introduction of

the following clause, by way of rider on the Bill :—" Provided always, and be it enacted, that nothing contained in this Act, or any Act heretofore passed, shall extend, or be construed to extend, to prevent any games of exercise, or other recreation in the open air, which shall not take place during the hours of divine service; such games not being played for money, or other value, nor carried on upon the premises of public houses or beer shops."

Mr. *Baines* was opposed to the introduction of such a clause in this Bill. It was quite incongruous to the objects of the Bill, and it would be absurd to introduce it into it. It was an attempt to introduce an innovation, a like attempt at which had led to the decapitation of one Stuart, and to the final dethronement of that family. This measure had been petitioned for by upwards of 100,000 people and the effect of this clause would be to afford a toleration to the very worst sports on a Sunday. He was sure that every person who had a regard for the due observance of the Sabbath, and who desired that it should not be desecrated, would oppose such a clause.

Mr. *O'Connell*, on the contrary, hoped that every one who had a regard for the due and proper observance of the Sabbath would support such a clause. What affectation it was, to talk of the indulgence of the people in innocent recreations and amusements as a desecration of the Sunday, as a violation of the due observance of the Sabbath! What greater and worse affectation it was to prescribe a moping melancholy as the proper observance of that day! What were the poor to do on the Sunday after they had attended to their religious duties? A man was not likely to sit the whole afternoon twirling his thumbs and even that might possibly be discovered by the microscopic eyes of holiness to be a desecration of the Sabbath. If a man under such circumstances were not allowed to indulge in innocent sports on the Sunday, what would be the consequence? Why that he would inevitably resort to the public-house or beer-shop to swill beer and meet the poacher, the gambler, and other depraved and abandoned characters. This clause merely went to afford the poor the opportunity of still indulging in innocent recreations on the Sunday. He was surprised to hear the hon. member for Leeds gravely inform them that, it was an attempt like this that led to the decapitation of Charles 1st. It was not, forsooth, because Charles had endeavoured as long as he could to do without a Parliament, and that when he was obliged to assemble one he endeavoured to put an end to it by extruding by force a predecessor of the right hon. Gentleman in the Chair from his place,—it was not because Charles had been guilty of that and various other acts of tyranny that he lost his Crown, and finally his head,—Oh! no, not at all,—but, according to the hon. member for Leeds, it was because such a thing as the "Book of Sports" had been published in the reign of his father, of revered and pious memory, King James 1st. The "Book of Sports" lost Charles his head! The country was so melancholy just at the time, that the people with one accord said (such was the statement of the hon. member for Leeds), "We will not laugh," "we will not allow any one to make us laugh, and any one that tells us to laugh shall lose his head." Such a version as that given by the hon. member for Leeds of English history certainly was a rarity in its way. It was one of the "curiosities of literature" that should not be forgotten hastily.

Mr. *Divett* said, that while he was anxious that the poor should enjoy themselves in innocent recreations on the Sabbath, he at the same time thought that it would be objectionable to introduce such a clause as this into the Bill. The effect of it would be, to show disrespect to those whose religious scruples induced them to seek for a more strict observance of the Sabbath. He trusted that the hon. Member would not press the clause.

Mr. *Wynn* said, that he should vote decidedly in favour of the introduction of the present clause into the Bill. He would do so, as he was anxious to remove all impediments in the way of the innocent recreations and exercises of the lower orders, particularly after they had heard divine service on the Sunday. He did not believe that the indulging in such innocent amusements constituted any desecration of the Sabbath. On the contrary, he thought that a better offering could not be made to the Almighty than that presented in a happy and joyous people on the day of rest—on the Sabbath. He should be very sorry to offend the feelings of any class of the community on this subject; but if there was a portion of the people so anxious for a more strict observance of the Sabbath, let them act in accordance with their opinions, but do not let them force their opinions on others. Upon this subject he could appeal to the highest authority. The words of St. Paul were —"One man esteemeth one day above another; another esteemeth every day alike. Let every man be fully persuaded in his own mind. But why dost thou judge thy brother? Or why dost thou set at nought thy brother? For we shall all stand before the judgment-seat of Christ. So then every one of us shall give account of himself to God. Let us not therefore judge one another any more: but judge this rather, that no man put a stumbling-block or an occasion to fall in his brother's way." If at that time there was a difference of opinion as to the holding one day more holy than another, surely, at the present time, men should be allowed to follow their own opinions, and no one should endeavour to force his particular opinion with regard to the observance of the Sabbath upon another.

Mr. *Plumptre* said, that he would give the clause his most decided opposition.

Mr. *Beaumont* was in favour of the clause. Why should they legislate differently for the poor and for the rich?—why should the rich be allowed to have their grand banquets, their iced champagne, &c., on the Sunday, while the poor man was prevented getting his dinner baked on that day?

Mr. *George F. Young* was opposed to the introduction of this clause by way of a side-wind. It was utterly inconsistent with the Bill.

Lord *Morpeth* was most anxious that the poor should enjoy their innocent recreations on the Sunday, but the introduction of such a clause as this would give offence to a large and religious portion of the community.

Mr. *Warburton* was happy to say, that the games of cricket, and other such innocent amusements, still prevailed in "merry England." It was because the Magistrates were in the habit of interfering to prevent the poor from enjoying innocent recreations on the Sunday, that he would give his strongest support to such a clause as that now under consideration.

Mr. *Maxwell* agreed with the noble lord (Lord Morpeth), and recommended the withdrawal of the clause.

Mr. *Pease* was opposed to the clause; it would be better to leave the matter to the discretion of the Magistrates.

Mr. *Poulter* said, that his objection to the clause was, that his Bill did not prohibit any sports that at present existed. This clause, however, would go to sanction them, and would give offence to that large and religious class of the community which had called for this measure.

The *Attorney General* observed, that if this clause were adopted, it would go to sanction a fox-chase on a Sunday, for that might be included in the term "games of exercise." That was going further than the "Book of Sports" for James specified the games he permitted. It was to be observed, that it was those only who had attended at divine service that were permitted afterwards to indulge in them.

Mr. *Mark Philips* observed, that the learned Gentleman's illustration was an important one. A fox-chase was an expensive amusement, accessible only to a few, and therefore not likely to be pursued on a Sunday; whereas those innocent recreations of the lower orders now in question could only be indulged in on that day. If the Bill attempted to interfere with the amusements of the people, he would give it his utmost opposition; if it did not, he thought this clause unnecessary.

Mr. *Poulter* observed, that the Bill interfered with no species of recreation.

Mr. *H. Hughes* said, that if the usual channels of information should communicate to the public to-morrow what had taken place on this occasion, he was sure that the people would be astonished to find those who called themselves their Representatives treating in such a way a Bill for the prevention of Sunday Trading, and endeavouring to ingraft on it a clause the object of which was the desecration of the Sabbath, and the turning into ridicule the Sabbath and everything connected with it.

Mr. *Tennyson* was in favour of enabling the poor to enjoy their innocent recreations on the Sabbath, the only day allotted to them for that purpose. He should certainly vote for the clause. It would be a most unwise thing to legislate so as to render the Sabbath odious to the poor.

Mr. *Thomas Attwood* hoped the clause would be withdrawn.

The House divided:—Ayes 37; Noes 31; Majority 6.

The Clause was agreed to.

Mr. Potter moved a clause to the effect of removing the penalties declared against waggoners, watermen, carriers, and drovers, travelling on a Sunday, by a statute of Charles 2nd.

The House divided:—Ayes 31; Noes 33; Majority 2.

On a verbal Amendment in the first line, the House again divided. The numbers were 33 on either side, and the Speaker, according to the usual courtesy, gave the casting vote in favour of the Ayes.

The House again divided on the question that the Bill do pass.—Ayes 31; Noes 35: Majority 4.

Bill thrown out.

The AYES *on Mr. Cayley's Clause.*

Beaumont, T. W.
Bish, T.
Blake, M.
Cayley, E. S.
Cayley, Sir G.
Dillwyn, L.
Ellis, W.
Evans, George
Ewart, W.
Gillon, W. D.
Lynch, A. H.
Martin, J.
Nicholl, J.
O'Connell, Daniel
O'Connell, James
O'Connell, Maurice
O'Connor, Don.
O'Dwyer, A. C.
Palmer, C. F.
Potter, R.
Philips, C. M.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Sanford, E. A.
Scholefield, J.
Scrope, P.
Sullivan, R.
Stanley, H. T.
Talbot, James
Talbot, J. H.
Tennyson, Charles
Torrens, Col.
Trevor, Hon. G.
Walker, C. A.
Warburton, H.
Watkins, C. A.
Wason, R.
Wynn, Rt. Hon. C.

List of the NOES *on the same Clause.*

Aglionby, H. A.
Agnew, Sir A.
Attwood, T.
Baring, F. T.
Baines, E.
Bewes, T.
Blamire, W.
Bolling, W.
Brotherton, J.
Campbell, Sir J.
Divett, E.
Ewing, J.
Forster, C.
Gully, J.
Harland, W. C.
Hawes, B.
Hoskins, K.
Hughes, W. H.
Hutt, W.
Johnston, A.
Lefevre C. S.
Mackenzie, J.
Marryatt J.
Maxwell, J.
Morpeth, Viscount
Pease, J.
Pendarves, E. W.
Peter, W.
Plumptre, J. P.
Poulter, J.
Wallace, R.
Williams, W. A.
Young, G. F.

List of the NOES *on Mr. Potter's Clause.*

Aglionby, H.
Agnew, Sir A.
Attwood, T.
Baines, E.
Baring, F. T.
Bewes, T.
Blamire, W.
Bolling, W.
Campbell, Sir J.
Cayley, E. S.
Dillwyn, L. W.
Divett, E.
Ewing, J.
Forster, C. S.
Gully, J.
Harland, W. C.
Hoskins, K.
Jerningham, Hon. H.
Johnston, A.
Lefevre, C. S.
Mackenzie, J. A. S.
Marryatt, J.
Maxwell, J.
Morpeth, Lord
Murray, J.
Pease, J.
Pendarves, E. W.
Peter, W.
Plumptre, J. P.
Poulter, P.
Sandford, E. A.
Trevor, Hon: G. R.
Williams, W. A.

HOUSE OF LORDS,

Monday, July 21, 1834.

MINUTES.] Petitions presented. By Lord WHARNCLIFFE, Lord KENYON, and the Bishop of EXETER, from a Number of Places,—against the Poor-Law Amendment Bill.—By the Marquess of BREADALBANE, from Perth, and other Places, for altering the Reform (Scotland) Act; from Perth and Clackmannan, for altering the Game-Laws.—By the Bishop of EXETER, from Haverfordwest, against the Admission of Dissenters to the Universities.—By the Duke of WELLINGTON, Earls of WINCHILSEA and MANSFIELD, Lords KENYON and SKELMERSDALE, and the Bishop of GLOUCESTER, from a Number of Places,—for Protection to the Established Church, against the Claims of the Dissenters, and against the Separation of Church and State.—By the Bishop of DERRY, from the Clergy of the Diocese of Clogher, to be relieved from the repayment of Loans advanced for Building Glebe-Houses; from Kilmeaden, for Protection to the Church of Ireland.

THE CHURCH (IRELAND).] The Bishop of *Derry*, in presenting a Petition for protection to the Established Church, took occasion to express his sincere regret at the retirement of the noble Earl, lately at the head of the Government. One of the declared objects of that noble Earl had been to give security to the Established Church. What were the intentions of the present Government upon that subject he would not pretend to say; he was willing to presume, that they were the same as those which had been entertained by the noble Earl, and he believed they were; but if he should prove to be mistaken, it was almost unnecessary for him to say, that, should the Government attempt to carry any measures that would be injurious to the Church, he should feel it his duty to offer those measures his humble but zealous opposition; he should not hesitate one moment, as far as his individual efforts went, to prevent them from being adopted. He should have done so, had such measures been introduced by the noble Earl, and he was sure that, in so doing, he should have had the Noble Earl's approbation for exercising an honest and sincere discretion on the subject.

The Marquess of *Londonderry* took that opportunity of putting a question to the noble Marquess (the Marquess of Lansdown) opposite. The Government of which the noble Earl lately had been at the head, and of which the noble Marquess was a member, had declared, that they would respect the rights of the Established Church of Ireland. This had been said when the noble Earl was at the head of the Government; but while the noble Earl was so, he must say, that measures had been introduced to pull down the great supports of that Church. As the noble Earl had now retired, it might not be necessary to speak of him, but he should think it quite proper to call on his Majesty's Ministers to state what were their intentions with respect to the Commission which had been issued for inquiring into the Church of Ireland, and whether the Government would really be guided by the principles on which they professed to act. He said this, because they did not seem to agree among themselves as to what they meant to do. He referred for proof of this to a statement made in another House of Parliament by a right hon. member of the Government. Under these circumstances, he thought, that he should stand excused, if he asked the noble Marquess whether the intentions of the Government were misunderstood by the right hon. Gentleman in another place, or not—or if not, how the noble Marquess could reconcile his own opinions with the opinions of the right hon. Gentleman? The contrast was so monstrous, that it was impossible they could be overlooked in the position in which they now stood. The whole thing was the most flagrant, unparalleled, disgusting departure from principle that he had witnessed for many years. It was as impossible to reconcile these two statements with each other, as it was to reconcile the statements of his Majesty's Ministers on the subject of the Coercion Bill, made ten days or a fortnight ago, with those made by them at the present time. This subject of the Commission had been before discussed in their Lordships' House. They were then told, that the contents of the Commission were not what was supposed—that there was gross error abroad on the subject; but it turned out that there was no error at all. But that was the way in which individuals on that side of the House were diverted from what was the fact. That was said with regard to the statements of his noble friend near him on the subject of that Commission. He now came to the statement of the noble Marquess, and he did not think that the noble Marquess would deny what was put down for him. He was sure it was rightly stated, and he wished to know how the noble Marquess would reconcile the statement he was now going to read, with the statement made relative to the Established Church in another place. Upon the 27th of May last, on occasion of presenting a petition to that House, the noble Marquess said, that there was but one opinion in the Cabinet of what ought to be done with the Established Church, and that, if he had one opinion more fixed than another, it was on the necessity of preserving the safety and well-being of the Established Church.

Viscount *Melbourne* rose to order. If he understood rightly the course which the noble Marquess was now pursuing, it was this: he proposed to read an extract from a newspaper, which purported to be the speech of a noble Lord delivered in that House, and he meant to contrast the statement in that speech with another statement of another member of the Government uttered in another House, in order to call on that noble Lord for an explanation. He (Lord Melbourne) appealed to their Lordships to say, whether this was fair or orderly—whether a mere newspaper was to be argued upon as incontestably accurate, and whether, upon the supposition that it was so, one member of the Government and a member of their Lordships' House was to be called on to explain a difference between his speech and the speech of another member of the Government delivered in another place.

The Earl of *Wicklow* differed from the noble Viscount upon this point. It might, strictly speaking, be irregular to state what had taken place there, but the practice of publishing what did take place was too general to allow them to be ignorant of it. The noble Marquess might put himself in order by saying, that he was reading a report of what was said to have been uttered by the noble Marquess opposite in that House, or what was said to have been uttered by a right hon. Gentleman in another House of Parliament. He must say, that he did not admire the noble Viscount for thus rising to prevent an explanation on so important a subject.

Viscount *Melbourne* repeated, that the use of a report in this manner was clearly irregular. All he meant to put to their Lordships was, whether it was a wise thing for the rules of the House thus to be infringed?

The Marquess of *Londonderry* said, that if the noble Viscount would consult the noble Earl (Earl Grey) near him, he would find that this was no breach of order; for the noble Earl would, no doubt, declare that a noble Lord might take from his pocket a speech of a right hon. Baronet, and read it out to the House. If he (the Marquess of Londonderry) had done wrong, it was the noble Earl who had set him the example. He was sure, that he should stand excused with the people of Ireland for endeavouring to extract from the noble Marquess what was the intention of Government with respect to the Established Church, and what was now the opinion of the noble Marquess on the subject. The noble Marquess had said, that this was a measure for maintaining inviolate the rights and privileges of the Established Church. Now, let them look at the speech of the noble Marquess's right hon. Colleague. After the recent change in the Government, the right hon. the Secretary at War said, that 'if he 'had thought there had been the least 'difference on any one great principle, 'and especially upon the application of 'the surplus revenues of the Church of 'Ireland for purposes not dissonant from 'that stated in the Resolution of the hon. 'member for St. Alban's, he should have 'been the last man to have joined the 'Administration. He agreed with the 'hon. and learned Member as to the 'abuses, anomalies, and oppressions of 'the Irish Church.' He called then on the noble Marquess opposite, to say, whether his opinions were the same. The right hon. Gentleman then went on to say, that he was not afraid to announce this opinion, nor to declare that he was ready to give his assistance to remove the abuses of the Church, abuses which diminished its strength and impaired its usefulness. The right hon. Gentleman intimated, too, that he thought the people might be benefited by the appropriation of the surplus funds of the Church. He had discharged his duty in saying this, and he thought no one could entertain the least doubt as to the intentions of this Government. The Commission that had been issued was appointed to report on the surplus funds of the Church, and after what he had read to their Lordships, he thought their Lordships would agree with him, that they ought to know what appropriation was meant to be made of the funds of the Church, and whether the present Ministers agreed with the sentiments expressed in the speech of the right hon. Gentleman.

The Marquess of *Lansdown* asked, whether the noble Marquess (the Marquess of Londonderry) was about to make any Motion?

The Marquess of *Londonderry*—"Yes, certainly." The noble Marquess made some further observations, but concluded without moving anything.

The Marquess of *Lansdown* said, that the only interruption he had given to the noble Marquess opposite, was to ask, whether he intended to make any Motion, and he understood the noble Marquess to answer, that he should do so, yet no Motion had been made, and he had even sat down without putting a formal question. He (the Marquess of Lansdown) thought he had a right to complain of a lengthened statement made upon the authority of a newspaper report, and treated as perfectly accurate, in order to form the ground of an attack upon him. [The Duke of Cumberland, we believe, made some remark across the Table.] He told the illustrious person opposite, that his objection to this course was in support of the order and of the privileges of that House, and he, therefore, called on the noble Marquess to make the Motion he said he was going to make.

The Marquess of *Londonderry* said, that he had spoken upon a petition, which he had a right to do. The objection taken by the noble Marquess was, he thought, a miserable expedient, unworthy of his station or character. He might easily get over the difficulty by moving an adjournment.

The Marquess of *Lansdown* said, that he had asked the noble Marquess whether he was about to submit a Motion to their Lordships, and the answer he had received was distinctly in the affirmative.

The Marquess of *Londonderry* begged leave to say, that the noble Marquess must have misunderstood him.

The Marquess of *Lansdown* repeated, that he had asked the noble Marquess the question, and he did most distinctly understand the noble Marquess to say, "Yes certainly," that he should make a Motion. This was distinctly the impression made by the noble Marquess's answer.

Lord *Kenyon* rose to order. He said he thought there was some misunderstanding between the noble Lords. The question certainly was put, and he believed that the words, "Yes, certainly," were uttered; but he did not think they had been uttered by the noble Marquess, but by some one near him.

The Marquess of *Lansdown* repeated that he had asked the question, and he understood the answer to be what he had stated, as the other noble Lords around him understood. It was certainly competent for the noble Lord to make a speech upon a petition, or even by way of form to move an adjournment upon the Motion that the Petition do lie upon the Table; but if he chose to avail himself of the opportunity afforded by the presentation of a petition, to make observations founded upon a report, and an incorrect report—for he had heard enough of it to say that, for the purpose of the contrast intended by the noble Marquess, it was incorrect; and if he chose to do this in order to place it in contrast with what was said in another place, not by way of illustration in debate, but for the purpose of arbitrarily calling on a member of their Lordships' House, not only to say what he had himself once spoken, but what he now thought, and not only what he now thought, but what, at a future time, he intended to do, the noble Marquess exceeded the privileges which the customs of that House allowed him. A course more inconvenient than that which he had adopted could not be pursued; and though the noble Marquess indulged his taste in pursuing it, he was not bound to follow the example. If the noble Marquess thought fit to raise a debate upon a newspaper report, he might have introduced the discussion on a preceding day, when he (the Marquess of Lansdown) distinctly stated the grounds on which he supported the Commission. He had stated these grounds, and also the reason for which the Commission had issued; and at that time he had reserved to himself the liberty to consider afterwards what measures might be adopted in consequence of the report made upon that Commission; and having reserved to himself that liberty, he should not be induced upon this night, or upon any other, by any statement now made by the noble Marquess, or any that he might afterwards make, to enter upon a discussion which he knew would be premature, inconvenient, and improper, and for the inconvenience of which, he thought he might say, he had the authority of the noble Marquess himself; for though the noble Marquess had a strong wish to enter upon the discussions and though he had had ample time and opportunity to originate the discussion, he had not done so; and if he entertained the strong opinions which he said to-night he did, he had not done his duty in not making the matter before now the subject of a regular discussion, and of a substantial and definitive Motion. If he thought it was his duty to do that, he might still do so, and he (the Marquess of Lansdown) should be ready to meet the discussion, and to re-state his opinions, or to modify them; but till the noble Marquess did discharge that duty which he shrunk from, he should not be induced to enter into a premature statement on the subject.

The Marquess of Londonderry began addressing the House, when

The Earl of *Mulgrave* rose to "Order." A question had been twice put irregularly by the noble Marquess opposite; the noble Marquess to whom it was addressed declined to answer it; and now the noble Marquess asked the question a third time. He submitted that these irregular discussions could not be allowed to continue.

The Marquess of *Londonderry* said, he was about to reply.

The Earl of *Mulgrave* answered, that there was no Motion before the House, and there was a subject of the utmost importance fixed for discussion. He wished to know whether their Lordships would allow their time to be taken up in so disorderly a manner?

The Marquess of *Londonderry* rose to explain the reason why he had not made this Motion. It was because he did hope—

The Earl of *Eldon* rose to "Order," and said, that he felt it his duty to state, that the noble Lord could not go on, for he was out of order.

The Marquess of Londonderry then sat down.

The Petition was laid on the Table.

The *Lord Chancellor* did not, in the least degree, dispute the right of the noble Marquess to originate a discussion at this moment; but he appealed to the noble Marquess on behalf of himself (the Lord Chancellor), and of the important subject which he had undertaken to lay before their Lordships. He had undertaken to bring before them (a task from which the state of his health at this moment might almost sufficiently excuse him) a difficult, complicated, and extensive subject; and he put it to their Lordships, whether this was not the time when they ought to proceed with the greatest possible calmness and absence of party and personal animosity, and to avoid engaging in contests like these, which might possibly be fit for to-morrow or the next day, but not for this moment? If, however, these things did proceed—if in this way they went on whetting themselves—he should feel it to be his duty to put off for this night the discussion of the question of the Poor Laws.

MR. O'CONNELL—STATEMENTS IN THE COMMONS.] The Earl of *Limerick*, in rising to address a few words to their Lordships, could assure the noble and learned Lord on the Woolsack, that it was not his intention to introduce any discussion that would long delay their Lordships from the consideration of the important Bill which now stood for a second reading; but he rose under the impression of, he acknowledged, exasperated feelings, at the gross misrepresentation which had been made elsewhere by a learned person, as to his character and his actions. This new system that had been lately introduced, of denouncing—for such was the only term he could properly employ—of denouncing certain individuals in terms he should not describe, was, he believed, of modern introduction, although in the reign of Charles 1st.——

Earl *Grey* said, he understood the noble Lord to complain of something which had been stated in the House of Commons; now it was impossible for their Lordships to entertain such a matter. If the noble Lord had seen anything stated of him in any publication, his Lordship might, perhaps, be able to make a complaint as against that publication: but, however anxious the noble Lord might be to vindicate his character, if such vindication involved an allusion to what had taken place in the course of the debate in the other House of Parliament, it would be a violation of their Lordships' orders.

The Earl of *Limerick* said, that he had purposely abstained from mentioning the House of Commons. He had alluded to what had taken place elsewhere, merely as a matter of history, in order that he might avoid the objections of the noble Earl. If the principle on which such attacks were made on individual Members of their Lordships' House was not counteracted, it might lead to the abolition of that House, and to the overturning of the Throne. If it were necessary, he would say, that he had read the statement in a newspaper. In that newspaper he was represented as having, in his character of landlord, impoverished and depopulated a considerable part of Ireland. It was alleged, that he had driven 200 families from their farms, and that those 200 families comprised 1,000 individuals. He would ask, whether any of their Lordships would choose to rest under imputations like this? What was the truth? If the statement were tried by that test, it would be found that these 200 families, comprehending 1,000 persons, who had suffered from ejectments, would be reduced to eleven individuals. The people of Ireland had been instructed that rents were no longer to be paid to absentee landlords, and some of them were very ready to accept of such instructions. The consequence was, that not one shilling of rent could he get from these gentlemen; he, therefore, had recourse to ejectment, and they were ejected. Some of their Lordships were, perhaps, not aware, that in many cases, land in Ireland was held by joint tenantcies; and it became necessary, in ejecting to recover possession, to eject the whole of those who had possession. This was his case, and this it was which had become the ground for the misrepresentation that had been directed against him. He was the last person in the world to bring, unnecessarily, any complaint before their Lordships, but if the imputations which had been thrown out against him were true, he was unworthy of a seat in their Lordships' House, or to hold a place in civilized society.

The Marquess of *Westmeath* said, he happened to be in the same boat with his noble friend. A similar charge to that made against his noble friend, and proceeding from the same quarter, had been made against him, the only difference being in the proportion, that his landed possessions were less than those of his noble friend. It was, however, alleged against him, that though he wanted the power, he had all the disposition to use the power mischievously. He denied the charge. He would appeal to their Lordships, whether he was an individual who would disturb a whole country for the sake of replenishing his purse. Yet such were the allegations indulged in by that celebrated orator, who had for several years vomited forth cataracts of aspersions against those who were politically opposed to him. He had intended to bring the transaction out of which the charges rose, which had been made against him by the hon. and learned Gentleman, under the consideration of the House, and with this view he had requested the noble Viscount, who was then the Secretary of State for the Home Department, to produce certain papers relating to the county of Westmeath. On the late changes taking place in his Majesty's Government, he did not press that Motion. When he saw the attack which had been made on him in the other House, he regretted that the papers were not upon their Lordships' Table, because if they had been, they would have completely refuted the statement of the hon. and learned Gentleman. As to what the hon. and learned Gentleman had said of him, looking at it as a personal matter only, he should really be disposed to treat it with the utmost contempt. He should, indeed, consider it a disparagement to be complimented by the hon. and learned Gentleman; if he obtained the hon. and learned Gentleman's good opinion, he should instantly have doubts of the soundness of his own integrity. The circumstances in question, though stated to have been taken from a newspaper, were, in fact, sent to the Lord-lieutenant of Ireland in a letter, surreptitiously, as had come to his knowledge by the courtesy of the right hon. Gentleman, the Secretary for Ireland. That right hon. Gentleman had submitted the papers to him, and thus he had the opportunity of knowing how he had been calumniated, and of refuting the calumnies. He did not consider this merely an attack on an individual; it was part of a system which was adopted against classes — against Magistrates, clergymen, and policemen. The latter were charged with shooting the people, and the clergy and landlords were charged with extortion; All this had its effects in this country as well as in Ireland. He would show the sort of argument it led to. [The noble Marquess read a passage from a London evening paper, to the effect, that the Tories were furiously opposed to the omission of the clauses in the Coercion Bill, relating to meetings, and asking, whether the Tory party wanted the Coercion Bill for the protection of landlords in Ireland, such as were described the evening before by Mr. O'Connell.] He wished to know, whether he and others who resided in Ireland, were not exposed to the knife and dagger of the assassin by these proceedings? He should feel it his duty never to hear statements of the kind without contradicting them if it were possible. The circumstances respecting him were false from beginning to end. Some years ago he came into the possession of an estate in Westmeath. On one occasion, before the passing of the Protection Bill, a party, brought from fifteen miles distant, came to Westmeath to beat his keeper, whom these assassins punished so severely, that they left him for dead. He could not prove that the individuals in question did take a part in these transactions, but one or two persons against whom warrants were out, he did eject. During the twenty years that he had possessed the property, he had never received one farthing of their money, and at the time they were ejected, a present was made to them equal to two years' rent. There were some whom he supposed to have been misled, and to have been the dupes of the leaders, and he offered them four acres of land each, but they would not take it. The affair was then taken up by the political priests of Ireland —by one of that body of separatists who had no interest in society, and never could have—who were the agents of the system of agitation. By one of those personages a letter was addressed to the Lord-lieutenant of Ireland, in which he said, "It was no wonder that such landlords as those required the Coercion Bill,"—imputing to him (the Marquess of Westmeath), that he was one of the principal landlords in that part of the country, who was in favour of the application of the Coercion Bill. So far, however, from having been a party to it, he was absent at the time, and it was done without his knowledge. The noble Marquess concluded with moving for certain papers relative to the state of Westmeath.

Viscount *Melbourne* requested the noble Marquess to postpone his Motion till to-morrow, that he might have an opportunity to examine the papers. Some of them, he had heard, contained details which it was not desirable, in the present state of Ireland, to lay on the Table of their Lordships' House. If allowed the opportunity of examining the papers, he would endeavour to select such portions of them as related to this transaction.

Motion postponed.

Poor Laws' Amendment.] The *Lord Chancellor*, rose and spoke as follows:* My Lords, I approach a subject of paramount importance and of vast magnitude—and one, of which the difficulty in principle, and the complexity in detail, are, at the least, on a level with its importance. And I have not now, as oftentimes has been my lot in this House, the satisfaction of knowing that the subject of this Bill has gained the same favour among the people of this country at large as in the case of other Reforms, whether political or legal, which I have propounded to your Lordships. They are, generally speaking, more indifferent to the subject than their own near interest in it, and intimate connexion with its evils might make it both probable and desirable that they should be. I am sensible, that they do not buoy up with their loud approbation those who patronize the great measure to which I am about to solicit your attention; and though they have manfully and rationally resisted all the attempts that have been made to pervert their judgments, and lead them to join in a clamour adverse to the plan, yet are they in a great degree, indifferent to its extent, and to its interests. I am quite aware, that they are not against it—nay, that the obloquy which is in store for those who support it, will proceed from but a very small portion of the community. But, my Lords, if this proportion were reversed—if there were as much clamour against this measure as some individuals would fain excite—individuals of great ability, of much knowledge, of considerable, and I will add, well-earned influence over public opinion on political matters, but more especially on ephemeral topics, or questions which arise from day to day, and as speedily sink into oblivion—individuals acting, from good motives I doubt not, from feelings wrongly excited, and taking a false direction, though in their origin not discreditable to those who cherish them—if those efforts had been as successful as they have manifestly, notoriously, and most honourably to the good sense of the people of England, failed utterly in raising almost any obloquy at all—I should have stood up in my place this day, propounded this measure, and urged in its behalf the self-same arguments which I now am about to address to the calm and deliberate judgment of this House, perverted by no false feeling, biased by no sinister views of self-interest, and interrupted by no kind of clamour from without; and I now address those arguments as I then should have done to the people out of this House, with this only difference, that the same arguments would have been urged, the same legislative provisions propounded, and the same topics addressed to a less calm, less rational, and less deliberative people, than I shall now have the satisfaction of appealing to. My Lords, I should have been unworthy of the task that has been committed to my hands, if by any deference to clamour I could have been made to swerve from the faithful discharge of this duty. The subject is infinitely too important, the interests which it involves are far too mighty, and the duty, correlative to the importance of those interests, which the Government I belong to has to discharge, is of too lofty, too sacred a nature, to make it possible for any one who aspires to the name of a statesman, or who has taken upon himself to counsel his Sovereign upon the arduous concerns of his realms, to let the dictates of clamour find any access to his breast, and make him sacrifice his principles to a covetousness of popular applause. I fully believe that they will best recommend themselves, as even from the first outset, to the rational part of their reflecting fellow countrymen, so in the end to the whole community, including such as at first may be less able to exercise their judgment calmly upon the merits of the question—they will best recommend themselves to the unanimous approval, and to the late, though sure gratitude of the country at large, who shall manfully carry through, with the aid of your Lordships, a system of provisions which, in my conscience, I believe to be the most efficacious, the least objectionable in point of principle, to sin the least against any known rule of polity or of the Constitution, and at the same time to afford the dearest and surest prospect of any that ever yet has been devised for terminating evils, the extent of which, at the present moment, no tongue can adequately describe, the possible extent of whose consequences not very remote, no fancy can adequately picture—evils which bad laws, worse executed—which the lawgiver, outstripped in his pernicious course by the administrators—have entailed upon this country—which, while they bid fair to leave nothing of the property of the country that can be held safe, so leave nothing in the industry of the country that can be deemed secure of its due reward—nothing in the character of the country that can claim for it a continuance of the respect which the character of the English peasant always in older times commanded, and which with the loss of that character, the multiplication of miseries, and the increase of every species of crime, has brought about a state of things in which we behold industry stripped of its rights, and the sons of idleness, vice, and profligacy usurping its lawful place—property no longer safer than industry—and —I will not say an agrarian law, for that implies only a division of property, but —the destruction of all property as the issue of the system that stares us, and at no great distance, in the face; a state of things, in fine, such, that peace itself has returned without its companion plenty, and in the midst of profound external tranquillity, and the most plenteous blessings of the seasons ever showered down by Providence, the labourer rebels, disturbances prevail in districts never before visited by discontent, and every thing betokens the approach of what has been termed an agrarian war. Such is the state to which matters are now come, and such are the results of that pernicious system which you are now called upon to remedy by the great measure, to a certain degree matured—at all events, much prepared—for your deliberations, by the other House of Parliament, and now tended for your approbation. My Lords, there is one thing of unspeakable importance, and which gives me the greatest consolation. I feel an intimate persuasion, that we are now no longer involved in a political, factious, or even in the milder sense of the word, party discussion; but that we are met together as if we were members of one association, having no conflicting feelings to divide its measures, no interests, no knots of men banded one against the other, and where no private feeling will be suffered to interfere. This is an encouragement to me personally, and it argues most auspiciously for the cause. I may assume, that almost all of you have a sufficient knowledge of the existing Poor-laws; many from experience of their operation, others from the exposition of them in the Statute Book, and others from having refreshed their recollection by the very able Report of the Commissioners; I may, therefore, take for granted that it would be wholly superfluous to enter into any description of the mechanism of the present system. But I should wish, before I state the kind of mischief that the mal-administration of the Poor-law has produced, shortly to glance at what is material,—not as a matter of curiosity merely, but as enabling us more clearly to trace the origin of the mischief, I mean the origin of the Poor-law itself, and the steps by which its administration has become so pernicious. It is certainly not quite correct to say, as has frequently been asserted, that these laws grew out of the destruction of the monastic orders, and the seizure of their property by Henry 8th; but it is still more incorrect to deny that there was any connexion whatever between the two events; for, undoubtedly, though the passing of the 43rd of Elizabeth followed the seizure of monastery lands, by an interval of above sixty years, yet it is equally true, that it was not twenty years after the abolition of those monasteries that the first Poor-law, the earliest compulsory provision for the poor, was enacted; being the 5th of Elizabeth. When I make this observation I must add another connected with it, and remind your Lordships of an argument used against the Church Establishment, and the tithes system, as connected with the Poor-laws. It is said that, according to the original division of tithes, one-fourth belonged to the Bishop, one-fourth to the parson, one-fourth to the repair of the Church, and the remaining one-fourth to the poor. That is a mistake which Selden and others have fallen into, from not having examined with care the provisions of the Saxon law, according to which it was a tripartite, and not a quadripartite division;—one-third going to the fabric of the Church, one-third to the parson, and one-third to the poor. I grant that this was the original distribution of the tithe, and I also admit that in much later times, as far down as the 15th of Richard 2nd, this right of the poor was recognized by Parliament; for in that year an Act passed which in terms admitted the right of the poor to sustentation out of this fund. I admit, too, that still later, in the reign of Elizabeth, the Judges of the land recognized the same right, and that other cases are to be found decidedly in favour of this principle, one of the Judges of that day quaintly observing, that it is the business of the parson, *Pascere gregem, verbo, exemplo, cibo*. Indeed, your Lordships will find both the Courts and Parliament, as late as the reign of George 3rd., recognising the claims of the poor against the parson, grounded upon the same principle. It is, however, past all doubt that a provision for the poor out of the tithe never was distinctly and practically established as their right, beyond their claims to receive charity at the hands of the parson, or other owner of the property; and it is equally past all doubt that they are most superficial reasoners on the subject, who maintain that the restoration to the poor of their share in the tithe, would, if it were possible, at once settle the question, and extinguish the miseries entailed by the Poor-laws. For most certain it is, that anything more mischievous, anything more fatal to the country, anything more calculated to multiply, indefinitely, the numbers of the poor, cannot be conceived, than the applying to them any regular and fixed provision, be it tithe or be it tax, which they can claim at the hands of the rich, except by the force of that duty of imperfect obligation—private charity which is imposed upon all men. Every permanent fund set apart for their support, from whomsoever proceeding, and by whomsoever administered, must needs multiply the evils it is destined to remedy. This right to share in a fixed fund is the grand mischief of the Poor-laws, with the seeds of which they were originally pregnant, though certainly many years elapsed after the principal Statute,—that of the 43rd of Elizabeth,—was made, before any great amount of positive evil can be said to have rendered itself perceptible in the community at large. As long as it was supposed that the law attached only to the impotent, to those who came within the description of old age, worn-out faculties, in body and mind, or persons disabled by any accidental cause, and not to able-bodied persons,—so long, it must be admitted that if the law was not an advantage, at all events it proved to be no detriment whatever. But by the construction not unnaturally put upon those unfortunate words in the Act, requiring the overseer "to take order for setting the poor to work"—a construction which, at the same time, conveyed to the pauper the right of calling into action this power, in other words, of compelling the parish "to find work for the pauper, and if work could not be found, to feed him," all self-reliance, all provident habits, all independent feelings, were at an end; and consequences the most pernicious speedily followed to the community, as well as to the poor themselves—consequences more pernicious, I will venture to say, than ever flowed from the enactment or from the construction of any human law. I blame not those who imposed this construction. It is, for anything I know, a sound one; the clause must have some meaning, and this seems very likely to be the true one; for if the pauper is clothed with a right to have work found him, as the overseer cannot create work, it seems to follow that he must feed those whom he cannot employ. But, pernicious as these inevitable consequences were, worse were sure to follow in the shape of new laws, grounded on the same principle, and developing more noxiously its evil effects. Accordingly, in the year 1796, that Act was passed which gave the poor —those that were called the industrious poor—a right, by law to be supported out of the parish rates, at their own dwellings, and to receive that support, although the parish should have actually contracted and paid for their maintenance in a workhouse hired and established according to the provisions of the Act, for their reception in the day of their distress. My Lords, it has been usual to blame the Magistrates of the country for the maladministration of these laws. I am not one of those who ever have been able to perceive the justice of this charge. I have never felt that we had any right to hold them peculiarly responsible, or, indeed, in the midst of universal error, to tell who were answerable for the mischief we all acknowledged to exist. The worst that can be said of those respectable persons to whom the country is so greatly indebted, and of whose services I should speak more at large if I had not the honour of addressing an assembly almost wholly composed of Magistrates; is, that in bringing forth by the Administration of the Poor-laws, the grievous mischiefs inherent originally in the system, they were not before the age they lived in; that they were not wiser than all who had gone before them, and all who lived around them, and, indeed, all who, for one or two generations, have come after them. This is the only charge that can be justly made against them. It would be condemning them for a want of more than human sagacity were we to charge them with the consequences of their conduct, pursuing, as they did, the opinions of the most learned Jurists and most experienced statesmen, while occupied with the details of the system which they were engaged in working. The truth is, that in all they did, Magistrates have had the countenance of the first authorities in the country; they have had the entire approval, and even concurrence of the Legislature to support them: they have had the decisions of the Judges to back, and even to guide them. As often as questions have been raised relative to the Administration of these laws, the Courts have never, in any one instance, applied themselves to lessen the mischief, by narrowing the liberal construction which the Magistrates had put upon the Statutes, but have uniformly decided, so as to give them yet larger scope. That they have erred then in such company as the legislative and judicial powers of the country, is to be regarded with neither wonder nor blame. But the Magistrates have had equal countenance from the names of eminent individuals, some of them the most distinguished that this land can boast of, and who, upon the question of relief to the poor, have entertained projects more liberal; nay, I will say more extravagant—more absolutely wild, than any that the most liberal Magistrates of this country ever contemplated. What think you, my Lords, I will not say of Mr. Gilbert's Act, but of the measure proposed in 1795 by Mr. Pitt—a man thoroughly versed in all the details of the subject, and well acquainted, as might have been supposed, with the best practical policy to be pursued regarding it? What marvel is it to find country justices holding that the poor man has a right to be made comfortable in his own dwelling, when Mr. Pitt introduced a Bill, (happily it did not pass into a law), for legalizing the allowance system, that greatest bane of the administration of the Poor-laws, and for sanctioning the principle that every poor man has a right to be made comfortable in his own dwelling—himself and his family—and to be furnished " with a cow, or a pig, or some other animal yielding profit," (I cite the words of the Act) to be provided in proportion to the number of his children? Assuredly the author of this famous project was not much more in advance of his age than the Justices of the Peace. Such principles as Mr. Pitt thus plainly held on the subject, have been the cause of the ruin we now all deplore. Surely if ever there was a doctrine more frantic in principle than another, or less likely to prove safe in its appliances, it must be this, that in defiance of the ordinary law of nature, the human lawgiver should decree, that all poor men have a right to live comfortably, assuming to himself the power of making every one happy, at all times—in seasons of general weal or woe—and proclaiming with the solemnity of a Statute, "Henceforth let human misery cease, and every man, woman, and child, be at ease in the kingdom of England, and dominion of Wales, and town of Berwick-upon-Tweed." But it is fair to Mr. Pitt to recollect, that these absurd doctrines were not entertained by him alone—he shared them with many of his contemporaries. Secure, however, from these errors, let us now see what the true principle was all the while, and whether or not the Poor-laws, as at present administered, sin against that principle or obey it. First of all, I am aware that I may be charged with stating an identical proposition when I state to your Lordships the fundamental rule which ought to regulate both the Legislature and those whom it intrusts with the Administration of the Poor-laws—namely, that men should be paid according to the work they do—that men should be employed and paid according to the demand for their labour, and its value to the employer—that they who toil should not live worse than those who are idle—and that the mere idler should not run away with that portion which the industrious workman has earned. All this appears about as self-evident as if a man were to say two and two make four, and not fourteen. Nevertheless, this is the very principle—identical as it is—truism, idle truism, as it may well be called—useless and superfluous as the uttering of it may seem to be—this obvious principle—this self-evident proposition—is that very principle against which the whole administration of the Poor-laws at present sins, —constantly, wilfully, deliberately sins. At every instant, by day and by night, during bad weather, and during good, in famine and in plenty, in peace, and in war, is this principle outraged, advisedly, systematically, unremittingly outraged, without change, or the shadow of turning. But it is said, that although no man has a right to food which he does not earn, and though the idler has no right to make his neighbour work for him, still there are times when the rule must bend to necessity, and that persons in sickness or in old age, or in impotence of body or mind, must be supported, lest they perish before our face. And this leads me to the subject of charity, intimately connected with the system of the Poor-laws; for that the support of the sick, the aged, and the impotent, should be left to private charity, is, in the view of many, the sounder opinion. I incline to think, that it is the safer course—that it is better for him who receives—blessing him more, and also him who gives. But into this question, I need not now enter, for it is not necessarily involved in the present argument; and I do not object to compulsory provision in such cases as I have mentioned, so it be subject to proper regulation, in order to prevent the abuses it is much exposed to. But I must observe, even upon the subject of individual charity—charity not administered by the State, or through the hands of parish-officers—that I hold this doctrine undeniably true. That species of charity is the least safe which affords a constant fund, known by the community to exist for charitable purposes. As long as the existence of such a fund is notorious, whether raised by the compulsory provisions of the law, or owing its origin and support to the warmth of men's charitable feelings, its existence leads, of necessity, to two consequences, pernicious to all parties, to the giver as well as the receiver, to the State as well as to individuals. First, it can hardly avoid being abused from the kindly feelings of those who administer it (and this applies to a parish fund still more strictly, for it is more liable to abuse). The private manager cannot trust his own feelings—the overseer cannot trust his own feelings. Out of this infirmity of our nature, abuses are quite certain to arise. The second consequence is this, and I regard it as the worst evil—if the fund is known to exist, however it be constituted, whether by voluntary or by compulsory subscription, the poor immediately calculate upon it, and become less provident, forsaking every habit of frugality, taking no care to provide against the ordinary calamities of life, or the inevitable infirmities of old age. They no longer strive for the means of maintaining their children, but heedlessly, recklessly, count upon that fund, out of which, whether in sickness or in health, in youth or in age, in impotence or in vigour, they know that they may claim the means of support; and, setting the pains of labour against those of a scanty sustenance, they prefer idleness and a bare subsistence to plenty earned by toil. Hence men's minds become habituated to the fatal disconnexion of livelihood and labour, and ceasing to rely upon their own honest industry for support, their minds become debased as their habits are degraded. Were I not afraid of troubling your Lordships with a discourse wearing too much of a didactic air, I could easily prove that this is the practical result of the too extensive and unreflecting distribution of charity. I will, however, trouble your Lordships with one remark upon this matter. I am well aware that I am speaking on the unpopular side of the subject; but it is, nevertheless, necessary that the truth should be told. The safest, and perhaps the only perfect charity is an hospital for accidents or violent diseases, because no man is secure against such calamities—no man can calculate upon, or provide against them; and we may always be sure, that the existence of such an hospital will in no way tend to increase the number of patients. Next to this, perhaps, a dispensary is the safest; but I pause upon that if I regard the rigour of the principle, because a dispensary may be liable to abuse, and because, strictly speaking, sickness is a thing which a provident man should look forward to, and provide against, as part of the ordinary ills of life; still I do not go to the rigorous extent of objecting to dispensaries. But when I come to hospitals for old age—as old age is before all men—as every man is every day approaching nearer to that goal—all prudent men of independent spirit will, in the vigour of their days, lay by sufficient to maintain them when age shall end their labour. Hospitals, therefore, for the support of old men and old women, may, strictly speaking, be regarded as injurious in their effects upon the community. Nevertheless, their evil tendency may be counterbalanced by the good they do. But the next species of charity to which I shall refer, is one which sins grievously against all sound principle—I mean hospitals for children, whether endowed by the public, or by the charity of individuals. These, with the exception of orphan hospitals, are mere evils; and the worst of all is a foundling hospital. To show how much we have improved in these matters—how much better informed we have become—how much more enlightened—how much less apt to be carried away by feelings, amiable in themselves, but in their effects mischievous, unless regulated by knowledge and wisdom, I need only mention that what once was reckoned the great ornament of this city—the Foundling Hospital in Guildford-street—is no longer a Foundling Hospital at all; having, by the rules in force for the last sixty or seventy years, never received one single foundling, properly so called, within its walls. The same improvement was effected by my right hon. friend, the President of the Board of Control (Mr. Charles Grant) with respect to the Foundling Hospital in Dublin, when he filled the office of Secretary for Ireland. Any hospital for the reception of foundlings is the worst of charities: it is no charity—it is a public nuisance, and ought to be stripped of the title of charity, and put down as an outrage on public morals. So all now allow; but fifty years ago, no man would have dared to say so. Can we doubt that in much less than half a century more, all those other principles now made the butt of low ignorant abuse will be the admitted guide and belief of every member of the community? If such as I have stated be the rules which public safety prescribes for regulating even voluntary charities, only see how the Poor-laws of this country violate rules a thousand times more applicable to the raising and dispensing of a compulsory provision! They have succeeded in wholly disconnecting the ideas of labour and its reward in the minds of the people—they have encouraged the idle and the profligate, at the expense of the honest and industrious—they have destroyed the independence of the peasant, and made him the creature of a pernicious and forced charity,—they have given him the degradation of a beggar, without the consolation with which benevolence soothes the lot of mendicity. Parish allowance is far worse than any dole of private charity; because it is more likely to be abused; because it is more certain in its nature,—because it is better known—more established—because it approaches, in the mind of the poor, to the idea of a right. This terrible system has led, amongst other evil consequences, to the Act of 1796, which provided for the relief of the poor in their own houses; and was, in fact, the introduction of the allowance scheme—a scheme which provided for the partial payment of wages out of the poor-rates, and which, in its operation, has been productive of all the worst mischiefs that might have been expected from such a source. The allowance system had its rise in the scarcity of 1795, and was more widely spread by the subsequent scarcity of 1800 and 1801, since which, in many parts of the kingdom, it has been permanently adopted. For a compulsory provision to support the poor who are able-bodied, but cannot find, or are not very anxious to find employment, I have known only two excuses ever attempted, and to these it may be fit that I should now very shortly advert. The first is one which I remember hearing strenuously urged by one or two very worthy friends of mine, Members of the House of Commons. They maintained, that the system kept up the character of the labourers, prevented their becoming the mere beggars of alms, and enabled them to receive their allowance with the erect port and manly aspect of those who felt they were claiming their due under the law. Never, surely, was there a greater delusion. The system has ended in the destruction of all independent character in the English peasant. It is true, that he comes to demand his allowance with an erect port, but it is not the bearing of independence; his habits, his feelings, the whole bent of his mind, the whole current of his thoughts, are changed. It was deemed aforetime a shame such as no man could bear, to be dependent upon parochial aid—the name of "pauper" coming next, in the estimation of the peasant, to that of "felon." It is so no longer—no longer is it thought a scandal upon the labourer to claim relief from the parish—no longer does it inflict a pang upon his mind to darken the overseer's door. No doubt he comes with a firm gait—with a manly air; but rather let us say, he comes with a sturdy gait and a masterful air. He presumes to domineer over the honest and hard-working rate-payer, and the servant of the rate-payer, the overseer—whom he insults and tramples upon. Secure in the protection of the law, he demands his allowance not as a man, but as a master; his tone is imperative, for he knows he must be obeyed. Such a system deadens all sense of shame—all sense of real dignity; erases from the mind every feeling of honourable independence, and fits its victims only for acts of outrage or of fraud. Let us pass, then, to the second topic of defence, and I speak of this argument with great respect, because it proceeds from persons who are the advocates of pure and strict principles in political science, and who are accustomed to carry them to an extravagant excess, sometimes straining them till they crack. These learned persons argue, (if I so may speak) that the Poor-laws afford the only means we have of effectually checking or preventing an increase of population. They say, that whilst there is no possibility of preventing by law improvident marriages amongst the poor (and I admit there is none), the Poor-laws furnish a preventive check. But are those respectable persons really so short-sighted as not to perceive that whatever little check the Poor-laws in one view may interpose, is immeasurably counterbalanced by their affording the greatest stimulus to population which the wit of man could devise—the most wilful and direct encouragement that possibly could have been discovered to improvident marriages? I verily think, that the history of human errors can produce no parallel to the mistake into which these learned and ingenious persons have fallen. If you had to seek out the most efficacious means of removing every prudential check to population—nay, if you wished to accelerate its march by a wilful, I might almost say, a wicked, encouragement to heedless and imprudent marriages, and by a premium for numbers of children—you could not devise any more perfect than are afforded by the Poor-laws, as administered in this country. What is the language they speak to the peasant?—"Here is a fund at your command—you have only to marry—only to get children—and here is a fund for the support of yourselves and your children, to be doled out in proportion to their numbers." The answer of the peasant is in the same language—"I am a prior mortgagee on the land, and will marry to-morrow, instead of waiting till I have the means of supporting a family." These excuses for the system and the mal-administration of the existing Poor-laws, being disposed of, let us now proceed to see what have been the actual results. And upon this part of the subject I shall have to call your Lordships' attention to a most meritorious body of men—the Commissioners—and to the result of their invaluable labours—the collection of a mass of evidence, the largest, the most comprehensive, the most important, and the most interesting, that perhaps was ever collected upon any subject. But before I go to that part of the subject—before quitting the subject of population—may I step aside for one moment, and do justice to a most learned, a most able, a most virtuous individual, whose name has been mixed up with more unwitting deception, and also with more wilful misrepresentation, than that of any man of science in this Protestant country, and in these liberal and enlightened times. When I mention talent, learning, humanity—the strongest sense of public duty, the most amiable feelings in private life, the tenderest and most humane disposition which ever man was adorned with—when I speak of one the ornament of the society in which he moves, the delight of his own family, and not less the admiration of those men of letters and of science amongst whom he shines the first and brightest—when I speak of one of the most enlightened, learned, and pious ministers whom the Church of England ever numbered amongst her sons—I am sure every one will apprehend that I cannot but refer to Mr Malthus. The character of this estimable man has been foully slandered by some who had the excuse of ignorance, and by others, I fear, without any such palliative, and simply for having made one of the greatest additions to political philosophy which has been effected since that branch of learning has been worthy of the name of a science. But I was about to call your Lordships' attention to the practical working of the system, for the purpose of ascertaining how it is hurtful, and what direction its mischief takes. There has been, in my opinion, no more important event in the recent history of this country than the issuing of the Poor-law Commission. I certainly was one of those who at first thought that the documents already possessed, and especially the evidence which had been collected by both Houses of Parliament, afforded a sufficient body of facts on which to proceed. Upon a closer examination, however, of the various Reports that had been made, and knowing, from experience, how much it is the practice of those who are examined before Committees to propound some favourite theory of their own, and give only such results of their observation and experience as supports their views—knowing, too, how impossible it must be for a Committee to compare the working of different plans by actual observation upon the spot—I acquiesced in the propriety of issuing a Commission, and the result amply justifies the measure; for I will venture to say, that there is no man who has read these Reports who can refuse to admit, that all he before knew of the subject in its details, was as nothing in the comparison. It does not become me to occupy your Lordships in bestowing praises upon the ability and zeal with which the Commissioners have performed their important office. Their report is before you. I believe that no better individuals could be selected for the discharge of those important duties than the persons first named in the Commission—the two right reverend Prelates whose absence on this occasion—occasioned by their necessary attendance to their episcopal duties—I have so much reason to lament. Another Commissioner was Mr. Sturges Bourne, than whom no person can be pointed out more conversant with the subject. His knowledge, too, is practical—not theoretical; he has applied his well-informed mind to the consideration of the whole question—was the author of the only legislative measures which have ever professed to find a remedy for the evil—while, besides his talents and learning, for calmness of temper, and for sagacity, and soundness of judgment, he was, perhaps, better adapted than almost any other person to join this Commission. When I add to these the names of Mr. Senior—a man of profound learning and great capacity—and Mr. Coulson, Mr. Bishop, and Mr. Chadwick, the other able individuals who formed the Board, your Lordships will feel with me, that from the labours of a body of men so composed, the most satisfactory results might surely be expected. Most of them I before knew, but Mr. Chadwick I never had seen, nor have I now more than once or twice; but I confess I have risen from the perusal of his papers—admirable in all respects—for excellence of composition, strength of reasoning, soundness of judgment, and all that indicates the possession of every species of talent,—I say I have risen from the perusal with a degree of admiration that I find it difficult either to suppress or to describe. Such are the men who have well and truly performed the duties imposed upon them. Their Reports, large in bulk, but larger still in comprehensive reach of understanding and information—interesting in the narrative, but painful—almost excruciating in the tale they tell—no man can read, without entertaining the sanguine hope, that for ills so enormous the remedy may at length be within our power. I think, however, I shall render a more acceptable service to your Lordships, if, instead of entering into a minute statement of these sad details, I confine myself to a general outline of the facts; presenting to you if I can a graphic sketch of the malady that exists, and pointing to the quarter from which you may expect a cure. First, then, we have a constant, and I may say almost a regular proof, in every part of the country, in districts agricultural, manufacturing, and even commercial, and whether the people are superabundant or scarce, increasing, stationary, or diminishing in numbers, that able-bodied men prefer a small sum in idleness to a larger sum in wages, attended with the condition of earning those wages by labour. We have in one place a young man saying, "I have 3*s.* 6*d.* a-week from the parish—I do no work—I have no need to labour; I would rather have my 3*s.* 6*d.* without working, than toil to get 10*s.* or 12*s.* a-week." This is not a singular instance. But are these persons only idle? Are they really doing nothing? Do they receive 3*s.* 6*d.* and remain inactive? Do they work no mischief? My Lords, it is idle in me to put such questions. These persons are making the parish pay 3*s.* 6*d.* a-week, out of the honest labourer's hard earnings, to maintain the constant promoters of crime, the greatest workers of mischief in the country; men, who, when they happen not to be the ringleaders, are the ready accomplices and followers in every depredation, every outrage that is perpetrated in their neighbourhood. But those facts are not confined to agricultural districts, or to inland places, and to lazy rustics. Look to the hardy sailor, who never used to know what danger was—look to the very boatmen of the Kentish coast—they who formerly would rush to a wreck, without looking to the waves any more than to the reward—who would encounter the most appalling perils to save a life, with as much alacrity as they would dance round a Maypole, or run a cargo of smuggled goods, in the midst of tempest or in the teeth of the preventive service, those men, who, if you had ever said, in former times, "Surely you do not mean to launch your boat at this tempestuous time of year?" would answer by instinct, "Time of year!—we take no count of seasons—by our boats we live: from the sea, in winter as in summer, we must seek our sustenance; fair weather, or foul, our vessels must be afloat, else how could we keep our families from the parish?" No such answer will you get now. The same spirit of honest and daring independence inflames them no more. "We have 12*s.* a-week from the parish," say the Kentish sailors; "we will go out no longer in winter—we will wait for summer and fair weather—we will live at home the while, for the parish fund provides us." Comment, upon such facts, is superfluous. But the same classes now assume, that they who live upon the parish have a right not only to work as little as the independent labourer, but not to work so hard. They have in many places distinctly set up this claim; and in one or two instances appeals have actually been made by the paupers against the overseers, upon the ground, that the latter had attempted, as they say, "a thing till then unknown in these parishes, to make the paupers work the same number of hours in the day as the independent labourers, who receive no parochial assistance." There are things which almost force incredulity; but when we see them proved by evidence which admits of no doubt, belief is extorted from us. The next general fact which presents itself to our view is, that as those persons claim a right to work less than they who receive no parish relief, so they are generally better off, and in many instances, much better off, than the independent labourer. The disproportion, in some parts of the country, and especially in the county of Sussex and the Isle of Wight, has gone so far, that a pauper working only for a limited number of hours in the day, earns 16*s.* a-week of the parish money, whilst the honest labourer, who has struggled to keep himself independent of the parish, has not been enabled, by his utmost exertion, to earn, by any possible means, more than 12*s.* a-week. And in one parish it appears, that 240 paupers, who were paid exactly the same wages as independent labourers, were dissatisfied, because they were required to work the same number of hours, and grumbled because they were not paid more. Nay, they did not confine themselves to grumbling—they struck work, sought the overseer, and almost by force obtained an increase of wages; that is to say, they compelled the parish to give them more than the ordinary amount of wages paid to independent workmen. Then it is needless to say, that the parish pauper regards himself independent of fair weather or foul, of bad health or good, of the full harvest or scanty crop, of all the calamities to which the rest of mankind are subject. Again: all shame of begging is utterly banished—the pauper glories in his dependence—if, indeed, he does not consider the land as his own, and its nominal proprietor as his steward. Nay, instances are to be found of the shame being, by a marvellous perversion of feeling, turned the other way; and the solitary exception to the rule of parish relief under which a whole hamlet lived, "being shamed," as a female said, "out of her singularity, and forced by her neighbours to take the dole like themselves!" But, for all this, I do not blame the pauper; I blame the bad law and its worse administration, which have made him a worthless member of society. The law of nature says, that a man shall support his child—that the child shall support his aged and infirm parent—and that near relations shall succour one another in distress. But our law speaks another language, saying to the parent, "Take no trouble of providing for your child,"—to the child, "Undertake not the load of supporting your parent—throw away none of your money on your unfortunate brother or sister—all these duties the public will take on itself." It is, in truth, one of the most painful and disgusting features of this law, that it has so far altered the nature of men. It is now a common thing to hear the father say, "If you allow me only so many shillings a-week for children, I will drive them from my doors, and deny them the shelter of my roof;" and it is not unusual to hear the child say, "If you do not allow my aged mother more, I shall take her out of my house, and lay her in the street, or at the overseer's door." I state this from the text of the evidence, and, horrible as it appears, I cannot refuse it my belief. My Lords, those who framed the Statute of Elizabeth were not adepts in political science—they were not acquainted with the true principle of population—they could not foresee that a Malthus would arise to enlighten mankind upon that important, but as yet ill-understood, branch of science—they knew not the true principle upon which to frame a preventive check, or favour the prudential check to the unlimited increase of the people. To all that, they were blind;—but this I give them credit for—this they had the sagacity to foresee—that they were laying the foundation of a system of wretchedness and vice for the poor—of a system which would entail upon them the habitual breach of the first and most sacred law of nature, while it hardened the heart against the tenderest sympathies, and eradicated every humane feeling from the human bosom;—and therefore the same Statute of Elizabeth which first said, that labour, and the reward of labour, should be separated—the same Statute which enacted a law contrary to the dispensation of Providence, and to the order of nature—foreseeing that the consequence would be to estrange the natural feelings of the parent for his child, and of the child for his parent, for the first time in the history of human legislation, deemed it necessary to declare, by a positive enactment, that a child should be compelled, by the Statute in such case made and provided, to obey the dictates of the most powerful feelings of nature—to follow the commands of the law implanted in every breast by the hand of God, and to support his aged and infirm parent! If we survey the consequences of all this, not only upon the poor, but upon the landed proprietors of the country, and upon the property of the country itself, we find that they are to the full as melancholy as any other of the countless mischiefs flowing from the maladministration of the Poor-laws. I will not say, that many farms have been actually abandoned—I will not say, that many parishes have been wholly given up to waste for want of occupants (I know that there are instances of farms here and there, and of one parish, I think in the county of Bucks, which has been reduced to this state), but I will not say, that as yet the system has so worked as to lay waste any considerable portion of territory. That it has a direct and a necessary tendency to do so—that unless its progress be arrested, it must go on till it gain that point—that ere long we must reach the brink of the precipice towards which we are hurrying with accelerated rapidity—that the circumstance of one parish being thrown out of cultivation, inevitably and immediately tends to lay three or four others waste, and that this devastation, gathering strength as it proceeds, must needs cover the land—of these facts, no man, who consults the body of evidence before your Lordships, can entertain the shadow of a doubt. Stand where we are, we cannot. I might say, with others whose minds are filled with despair, and the dread of coming events, that I could be content never to have things better, so I were assured, that they would never be worse; but this—even this wretched compromise is impossible, with the frightful scourge that is ravaging our country. The question is—shall we retrace our steps, or shall we be pushed forward, and down the steep we stand on, by the momentum of this weight which we have laid upon ourselves? That such is our position—that such is the course we are pursuing—that such is the gulf towards which we are hastening—no man living, gifted with an ordinary measure of sagacity, can deny. This, then, is the picture of our situation, harsh in its outline, dismal in its colouring, in every feature sad and awful to behold. This is the aspect of affairs, menacing the peace of society, undermining the safety of dominion, and assailing the security of property, which the system, as now administered, exhibits to the eye. In this it is, that the schemes of man, as short-sighted as presumptuous, have ended, when he sought to reverse the primal curse, under which he eats his bread in sorrow and the sweat of his brow. Our Poor-law said—"The sweat shall trickle down that brow no more;" but the residue of the curse it has not reversed—for in sorrow he shall eat it still. The dispensation of wrath, which appointed toil for the penalty of transgression, was tempered with the mercy which shed countless blessings upon industry—industry, that sweetens the coarsest morsel, and softens the hardest pillow;—but not under the Poor-law! Look to that volume, and you will find the pauper tormented with the worst ills of wealth—listless and unsettled—wearing away the hours, restless and half-awake, and sleepless all the night that closes his slumbering day,—needy, yet pampered—ill-fed, yet irritable and nervous. Oh! monstrous progeny of this unnatural system, which has matured, in the squalid recesses of the workhouse, the worst ills that haunt the palace, and made the pauper the victim of those imaginary maladies which render wealthy idleness less happy than laborious poverty! Industry, the safeguard against impure desires—the true preventive of crimes;—but not under the Poor-law! Look at that volume, the record of idleness, and her sister guilt, which now stalk over the land. Look at the calendar, which they have filled to overflowing, notwithstanding the improvement of our jurisprudence, and the progress of education. Industry, the corner stone of property, which gives it all its value, and makes it the cement of society—but not under the Poor-law! for it is deprived of its rights and its reward, finds its place usurped by indolence, and sees wrong and violence wear the garb, and urging the claims of right; so that all property is shaken to pieces, and the times are fast approaching when it shall be no more! In this devastation, but one exception remains, in those seats of industry, where the miracles of labour and of skill have established the great triumph of the arts, and shed unnumbered blessings on all around; those arts, whose lineage is high—for they are the offspring of science, whose progress is flourishing—for they are the parents of wealth. They have, indeed, stayed for a season in the districts which they nourish and adorn, the progress of the overwhelming mischief: but long even they cannot arrest its devastation, and this last pillar cannot long remain, after all the rest of the edifice has been swept away! They cannot stay the wide wasting ruin; but we can, and we must. It behoves us to make a stand before one common ruin involves all, and tread back our steps, that we may escape the destruction which is on the wing, and hovering around our door. Let me then ask your Lordships' attention for a moment while I trace more particularly the cause of the mischiefs of which we have now been contemplating the gloomy picture. I shall say nothing at present of repealing the Poor-law itself. I shall, for the present, assume that the Statute of Elizabeth cannot now be dealt with. I shall take it to be fixed irrevocably as the law of the land, and I will proceed upon the supposition that it is impossible now to reduce things again to the state in which they were previous,—I will not say to the 43rd, but to the 5th of Elizabeth. Desirable as it may be to place the system on a better footing, and difficult as it is, not to wish for some radical change which may prevent a recurrence of the calamities we are suffering under, I yet feel that this is most difficult to effect, because it is the evil of all bad laws worse administered, that we must continue to bear them, on account of the danger which may spring from their sudden repeal. Much, however, may be done with the administration of the system, and to this it is, that practical wisdom directs us to apply the remedy. The separate and opposite jurisdictions of different magistrates, overseers, and benches of justices, the want of system and unity in practice, lie at the root of the evil; and the report teems with instances of the mischiefs which have flowed from this source. When you look at a district in which a better system of administration has been adopted, and contrast it with one,—perhaps the very next parish,—where the bad course has been pursued, you would hardly think that you were looking at two parts of the same county, or even of the same island, so different are the effects. In the one a total change of system has been effected—the rates have speedily come down, at first to one-half, and afterwards to one-third—paupers disappear, and industry regains its just place; while, upon crossing a brook, you find in the other parish a swarm of sturdy beggars depriving the honest labourer of his hire, and the rental crumbling down daily and hourly into the poor's box—always filled, and always empty. Then, how comes it to pass that, with the example before their eyes, the authorities in the latter parish persevere in their course? The good effects of a rigid abstinence in administering relief have been strongly exemplified in Scotland, and yet that experience has been quite thrown away upon England. In Scotland, down to a recent period, doubts were entertained by lawyers, as to whether or not there existed any right of compulsory assessment for the poor. It is now agreed that the right exists; and the English and Scotch laws are admitted to rest generally upon the same foundation. The administration of them, however, has been widely different in the two countries. The Scotch—a careful and provident people—always watchful and fearful of consequences, kept an exceedingly close hand upon the managers of the poor's fund, and did everything in their power to ward off the necessity of assessments — reserving so perilous a resort for times of emergency, such as in the extraordinary scarcity of the years 1795 and 1800. This was the most rational plan that could be pursued, for it prevented the introduction of regular and habitual relief, and the setting apart of a constant fund for maintaining the poor. In some instances it has been acted upon in England, but, in very few, comparatively; for there has been no unity of action—no general control; and the neighbourhood of Scotland, and the success of the right practice there, has produced no considerable amendment of our vicious system. Hence I infer the necessity of a central, rigorous, and uniform plan of administration. And here I would step aside for one instant to illustrate this observation by a fact. It is generally said, "How can you do better, or act more safely, than by leaving to the parties interested the administration of their own affairs?" Generally speaking, I am willing to adopt that principle, and to proceed upon it: I believe the principle to be most sound; and, moreover, I am disposed to think that its application tends exceedingly to promote good government, and to prevent the evils of a meddling, petty, overdoing legislation. Nevertheless, experience certainly does show that it is not universally applicable; or rather, that it is not applicable to cases where the concerns of a number of persons are managed by a majority of their body, and not each man's by himself; for when a certain leaven of men gets into an assembly, all of whom have a voice in the management of the common concerns, it very often happens that a combination takes place, arising from sinister and interested views; and that this junto, by its activity and intrigues, baffles the general disposition to consult the common interest, and sets it at nought. I happen to know an instance of this, and I will mention it to your Lordships, by way of illustration; —it was given in evidence before the famous Education Committee of the other House, sixteen years ago. In two of the parishes of this city, there were several great charities supported without endowment, by voluntary subscription. Mr. Baron Bailey,—himself a large contributor to these, as he is to all benevolent institutions—proposed to establish a rule, that no tradesman on the Committee of Management, should be employed in supplying the institutions in question, because it was justly apprehended by the learned Judge, that where such persons were interested, there would be no very rigorous inquiry into the necessity of making the purchases, and no very strict audit of the accounts. Nevertheless, the proposition though tending to save the funds, and therefore required by the pecuniary interests of the body who raised those funds, was rejected by a great majority of the Committee, who were themselves contributors. They said, that they had always been in the habit of employing one another to supply the institution, and that they were determined to continue the practice. The custom of another charity in the same neighbourhood was apparently better—but really just the same. There, a bye-law was in force, that no man should be employed as a tradesman to the charity while he was upon the managing committee. But this check was defeated by having a double set of tradesmen, who belonged to the committee in alternate years, and were employed each in his turn as he went out of office. I believe a proposal was made to correct this gross abuse; but, like the suggestion of Mr. Baron Bailey, it was rejected by the subscribers, to save whose money it was brought forward. Here, then, we find men in the disbursement of their own funds, and in pursuit of their own objects, determined to suffer, with their eyes open, abuses which daily defraud them, and persisting in a course which makes it unavoidable that their pockets should be picked before their eyes. But do not facts like these demonstrate how long a vicious system may continue in any vestry or managing committee against the interests of the general body, if it contributes to the advantage of a few? Does it not also show how much longer a bad system may prevail in any vestry or parish, where the individuals most interested have not the same control as in a voluntary association, and how easily the most flagrant abuses may continue to receive protection from those they injure, before men's eyes are opened—ay, and after they have been opened? Because I am not now speaking of a few ignorant farmers, who, by-the-by, have not by any means so strong an interest in the matter as the landlords; but of more enlightened persons, and of bodies less open to abuse than the authorities of country parishes. Surely the inhabitants of a remote hamlet are much more likely to keep their eyes shut upon such subjects than the inhabitants of St. George's, Bloomsbury, and St. George's, Hanover Square. Therefore, the evils of a scattered and varying and uncertain administration of these laws, it behoves Parliament above all things, and before all things, to correct, with a view to establishing authorities able well and wisely to overlook the relief of the poor and the expenditure it occasions. For this object, the present Bill proposes to provide —precisely upon the views to which I have shown that experience guides us. The main principle of the measure is this—to leave the law, generally speaking, as it stands at present, but to tread back our steps as far as we can towards a due administration of it; and having once brought things nearer to their position in some particular parishes where the experiment has been tried, and salutary improvements effected, and to their state generally in Scotland, then to take such steps in reference to the law itself as shall prevent a recurrence of the same abuses. I have now to entreat your Lordships' attention to the course taken in constructing the measure before you; but I wish, in the outset of my remarks, to take notice of an objection to our measure—an objection, however, which has been more heard out-of-doors than within the walls of Parliament. I allude to the outcry set up against the Report, as a thing framed by theorists and visionaries, and to sum up all in one word of vituperation, by political economists. That is the grand term of reproach. As if only theorists and visionaries could be students and professors of the despised science of political economy! Why, my Lords, some of the most eminent practical men in this country—individuals the most celebrated, not as rash and dreaming speculators, but as sober statesmen—leaders of opposition—ministers and heads of Cabinets—men whose names, as they were, when living, the designations of the parties into which the whole country was marshalled, have passed after death into epithets synonymous with practical wisdom, among their followers—it is among these men that I should look, if I were called upon to point out the greatest cultivators of political economy that have flourished in my own day. Is it necessary for me to remind you that Adam Smith—another name which excites a sneer, but only among the grovelling and the ignorant—that the name of that eminent economist was first made generally known through his intimacy with Mr. Pitt, and by Mr. Pitt referring in Parliament to the high authority of his immortal work? Mr. Pitt was distinguished by his study of political economy, though his policy did not always proceed upon its soundest principles, and when he would have applied them, his attempts were not always attended with success. Such at least is my opinion now, speaking after the event, and with the cheap and easy wisdom which experience affords, yet always speaking with respect for that eminent man's science and talents, which no one, how rude or ignorant soever, will be found bold enough to question. I think he committed mistakes—perhaps in his situation I might have fallen into the same errors; but was Mr. Pitt a dreamer—was Mr. Pitt a visionary? Was Mr. Canning, who also professed and practised the science of political economy, a philosophist, a mere speculator, or a fantastical builder of ideal systems? My Lords, I have heard many persons object to Mr. Canning's policy; I did so myself at one period, though I afterwards co-operated with him when his views were liberal and sound; but neither at the one period of his political life, nor at the other, do I recollect ever hearing anybody bold or foolish enough to designate that eminent man as a visionary or a theorist. Then we had Mr. Huskisson—he, too, a political economist, and indeed profoundly conversant with the science; but I suppose he was no practical man,—I suppose he knew nothing of the financial, nothing of the commercial relations of this country—nothing of the distribution of its wealth—nothing of the bearings of its mercantile laws and fiscal regulations upon her trade and manufactures. I verily think, that if I were to search all England over, and to ransack the whole volumes of our annals at any period for the name of a practical statesman,—one who habitually discarded theory for practice—one who looked to every theory with suspicion, and adopted only those doctrines which were grounded upon the most incontestible results of experience—a pilot, who, in guiding the vessel of the State, proceeded with the lead-line ever in his hand, and ever sounding as he sailed—who never suffered her to stir until he knew the depth, the bottom, a-head and all around, and left no current, tide, or breeze out of his account;—if I were to name one man whom I have known or heard of, or whom history has recorded, and to whom this description is most eminently applicable, Mr. Huskisson is the name I should at once pronounce. To swell the catalogue with other bright and noble instances, would be much more easy than useful. Thus I might add Mr. Henry Thornton, an author of high fame, whose works were among the first that enlightened us on the subject of currency, and fixed the principles that govern this branch of science. But Mr. Henry Thornton was a banker; and an intelligent, skilful, prosperous banker. And it is these great men—great as philosophers, but better known as men of business—the Pitts, the Cannings, the Huskissons, the Thorntons, who, with Dr. Smith and after his example, entered themselves in the school of the Economists,—they it is, whom I am fated to hear derided as visionaries and schemers. But I have unawares named the science which was cultivated by Quesnai, Turgot, and other illustrious French philosophers, and have thus exposed it to a different attack, from ignorance yet more gross than that which denied authority to the names of the English statesmen I have mentioned. I have referred to the French economists, and I know full well that they have been derided as republicans—very little to my astonishment, prepared as I am by experience to see the effects of ignorance—for ignorance has no bounds. Unhappily science has its limits, and they are not hard to reach; but ignorance is endless, unconfined, inexhaustible, — ever new in invention, though all its productions are wretched and worthless,—always surprising you, though mingling pity and contempt with wonderment: and never is it more daring in its inroads upon our credulity—never is it more strange in the antic feats it performs—never more curious in the fantastic tricks it plays, than when its gambols are performed in the persons of men dressed in a little brief authority, or who would fain be so attired, and who really are decked habitually in presumption that almost passes belief. Why, my Lords, every body who knows any thing of the French Economists, knows full well that they flourished under an absolute despotism,—that they were the great friends and the firm supporters of absolute monarchy,—that they abhorred liberty, and abhorred republicanism,—and that one of their errors, in my opinion the most fatal they could commit, was holding the doctrine, that what they called *despotisme legal*, in other words, an absolute monarchy, was the best form of government: accompanying their doctrine, however, with this reservation, "If you have a good king at the head of it;" as if the sole use of all restraints upon power was not founded on the risk of having bad rulers; as if the absence of control did not, while man is man, ensure a succession of bad monarchs. But I only mention this to show, that whatever charges the French economists may be justly exposed to, assuredly love of a republic, or even of rational liberty, is not of the number. Such is the presumption of that abject ignorance which would give certain men, and the sciences they explore, a bad name, not even knowing the true sense of the words it takes upon itself to use. Far, then, from being with me an objection, that these invaluable dissertations and statements of fact have been prepared by political philosophers—that all this mass of useful evidence has been collected by them, and that many propositions have been made by them, some of which, and only some, are adopted as the ground-work of the present measure,—I derive confidence from the reflection that it is so—that we have been helped by political economists, men who have devoted themselves to the study of that useful and practical science, and with them I cheerfully expose myself, and not only with them, but with all the illustrious names of men now no more, and all the other illustrious men that happily still remain, and whom, for that very reason, I have forborne to mention, to the charge of being a speculator, and a visionary, and a theorist. I will not deny, however, that if I had perceived in these highly-gifted persons, the tendency, sometimes abused in men of science, to ground their opinions on mere reasoning, uncorrected by experience, and to frame systems with a view to fair symmetry, rather than to the facts now before us, I should then have exercised my judgment and said, "Those proposals, how daintily and ingeniously soever they be prepared, I reject." My Lords, we have picked our way slowly and carefully through facts and documents; we have rejected somewhere about one-half of the suggestions that have been made, a portion of that half being precisely the part most important in the eyes of the men from whom they proceeded: we thought that, in a practical point of view, it was better to postpone them at all events for the present: but I beg leave distinctly to state, that hereafter, when time shall have been allowed for inquiry and consideration, and when this measure shall have paved the way for the reception of ulterior projects, they will, should experience warrant their adoption, receive my assent. Let us next consider for one moment what is likely to be the best way of reforming the administration of the Poor-laws, by retracing the steps that have led us to the present state of things. I think I may lay it down as clearly following from what I have stated, that there is one main point, the necessity of arriving at which cannot be denied—I mean securing such a degree of unity of action in the authorities invested with the parochial superintendence, as can be obtained only by the establishment of one central power. In the second place, I think it follows, that the persons in whom this control shall be vested, must be armed with very ample discretionary power. Next, it seems clear that these ought not to be political persons, if I may so speak,—that they should be members of neither House of Parliament,—men belonging to no party,—men unconnected (politically speaking) with the administration of public affairs, and unmixed with the contests of the State. If I should be consulted in the choice of the individuals, I will only say,—"Show me a person (and I think I know that person) whose opinions on party matters differ most widely from my own, and if he be a man of firm mind, of extensive experience as to the working of the Poor-laws, of conciliatory manners, of sound discretion,—if he be a man whom I can trust for his temper (one of the prime requisites in such a work), and that man I prefer before any of those with whom I most agree in politics; nay more, if I saw two persons sufficiently gifted, but of opposite political opinions, I would name one of each party, in order the better to gain the confidence of the public,—to show the country that, in the appointments, there is no favour, —that, in the selection, the only consideration has been qualifications and deserts. I have said that extensive and effective reform in the administration of these laws can only be accomplished by intrusting large discretionary powers to the Commissioners. Of this no doubt can exist; and a very slight attention to the subject will convince you of it. The bad practices have taken such root, and spread so widely, that a strong hand alone can extirpate them. But it must be not only strong—it must be ever ready; in other words, all must be left to the discretion of the men intrusted; for if each time a step should be taken, either going too far, or going in the wrong direction, or stopping short of the proper point and not going far enough, you have to wait until Parliament is assembled, and a Bill brought in to change the plan, and a new Act passed, it is needless to remind you, that for months the whole of the machinery must stand still. As any individual, on such a subject, will be exposed to err, so may Parliament, in any measure of detail it can frame—ay, and fall into serious errors too. Good God! who shall say, that the wisdom of all the lawgivers in the world may not lead them into error, upon matters, which for nearly three centuries have baffled the wisest of men in every nation? You have delegated to the Judges powers of altering from day to day the rules of pleading and of practice, merely because you distrusted your own foresight, and did not arrogate to yourselves the power of being beforehand as wise as experience could make you. Again, one part of the country may require one mode of freatment; another may require the application of different remedies; agricultural districts will stand in need of a very different treatment from that which must be employed with commercial and manufacturing places—nay, the circumstances of one agricultural parish may be so entirely different from those of another, even of one in its immediate vicinity, as to render the same course of management inapplicable to both. The point we are desirous of reaching, it is true, is one and the same for all; the state of things we would bring all back to is the same; but the road to be taken towards this point is necessarily different in different places; for each may have deviated from the right path by a different route, and by a different route must be brought back. One uniform, inflexible rule, prescribed by a statute, can therefore never be applied to these various cases; and hence the operation must be performed by a discretionary power lodged somewhere, that the hand which works may feel its way, and vary its course according to the facilities or obstruction it may encounter; nay, an arbitrary discretion—to use a word which has been employed, invidiously, towards the measure—and arbitrary, to a certain extent, it must be: because it must be both ample and unconfined, in order that the rules for its exercise may not paralyze its movements. My Lords, I am perfectly aware that such powers as these may be designated as unconstitutional. I am aware that at any rate they are in one sense novel, to a certain extent; but their being wholly novel, and altogether without precedent, I utterly deny. They are novel, as vested in one Board, but they are far from being novel in themselves. I could take the first fifty local Poor-acts to be found in the index to the Statutes, and engage to show you, that every one of those Acts contains stronger, more drastic, more rigorous, more arbitrary, and therefore less constitutional powers, than any that will be given by this Bill to the Central Board. And by whom are the powers which these local Acts confer to be exercised, and in what circumstances, and under what superintendence and control? Those powers are given to the very men of all others the most likely to abuse them,—men self-elected, unknown, of no weight, and of narrow mind; those powers are to be exercised in a corner—in the dark—not in the face of the country—with no one to watch, to revise, to control—they are to be wielded beyond the reach of the Legislature, by persons not removable by the Crown, accountable to no Secretary of State, overlooked and checked by no King in Council, as this Central Board will be—and exercised by men far too small to be perceptible by the public eye, therefore far removed from any influence of public opinion. My Lords, can you hesitate one moment, when you have conferred so much larger and more dangerous powers upon irresponsible bodies, to vest the powers of this Bill in such a Board, acting upon the responsibility of known and eminent men, and fenced round about with the triple guard of the Crown, the Parliament, and the country at large? My Lords I have now stated the principles upon which we are led to frame this great measure. I have shown from the direction the evil has taken, and the manner of its operation, how we are led to these four conclusions—the necessity of a Central Board—the necessity of its separation from the strife of political affairs—the necessity of vesting in it powers both large and discretionary—and the necessity of its exercising those powers under the inspection of the Legislature, and the control of the executive Government. These principles, deduced from the facts, and dictated by our sad experience of the necessity, form the ground-work of the system. That the control of the Crown may be more constant and effectual, the Commissioners are to be removable at pleasure; they are to report all orders to the Secretary of State; and those orders are to have no effect for forty days after this communication, during which period an Order in Council may annul them. I entreat such of your Lordships as question the safety of such ample power as the Board must have, to consider how strict a control is thus established over its proceedings; add to this the watchful superintendence of both Houses of Parliament, and then reflect upon the constant control of public opinion, and I confidently say that the requisite powers may be safely and prudently intrusted to the new Board. But still it is said, that they are unconstitutional—still it is said, that they are as novel as unwelcome to the country. My Lords, if this be a great step,—if this be an extraordinary enactment,—if this be an unheard-of measure which we are now discussing,—supposing I admit it all—I ask, are not the times in which we live, in this respect, of an extraordinary aspect? Is the state of things in which we are called upon to legislate one that has often or that has ever existed before? Is not the evil we are pressed down by unheard-of? Is the existing condition of our peasantry and our landowners not a novelty and a portentous novelty,—the growth of very late times, yet daily increasing, and swelling out its hideous form? Many Bills, with more unconstitutional clauses, have I seen during the last thirty years, where Boards have been constituted of irresponsible men,—men endowed with great powers, to be exercised in the dark. But I have never yet seen times like these in which I now bring forward this Bill. We live in times, indeed, very different from those that are past, when a Report is presented to us, founded upon the concurrent testimony of Magistrates, country gentlemen, clergymen, farmers, labourers, and parish officers,—of manufacturers and tradesmen,—of men of science and men of no science at all,—of men of practical knowledge, and men of theoretical principles,—of the dwellers in towns, and the inhabitants of the country,—of those who have been constantly in vestries,—of those who have been all their lives occupied in the administration of the Poor-laws, as Magistrates, as barristers, or as Judges. Talk of unheard-of measures, and of unprecedented discretionary powers, in a case like this, when you have all this hitherto unheard-of — this altogether unprecedented, consentaneous, and uncontradicted testimony, borne by every different kind of witnesses in every class and walk of life, and sanctioned by every variety of talent and argument that can be found in all kinds of minds corroborated by all those whose weight of judgment makes them the best authorities upon the principles, and whose experience makes them the most competent witnesses of the facts! I say, my Lords, you not only may, but you must listen to these recommendations, when you have the best judges in the matters of opinion —and the best witnesses to the matter of fact—all in one voice representing to you a state of things, which has made industry and idleness, honesty and knavery, change places; and which exposes the property of the community, and with its property every law—every institution—every valuable possession—every precious right—to the ravages of that remorseless pestilence, before whose strides you, the guardians of the social happiness of those who live under your protection, have beheld the peasantry of England abased to a pitch which I am at once afflicted and ashamed to contemplate—which I shudder to describe—and which I could not bear to think of, did I not know that the same hand which lays it bare to your eyes, and makes its naked deformity horrible in your sight, will be enabled, by your assistance, to apply to the foul disease a safe, an effectual remedy; restoring to industry its due reward, and visiting idleness with its appropriate punishment; reinstating property in security, and lifting up once more—God be praised!—the character of that noble English peasantry to the proud eminence, where, but for the Poor-laws, it would still have shone untarnished,—the admiration of mankind, and the glory of the country which boasts it as its brightest ornament! My Lords, there are other alterations of the system, —many and important alterations—introduced by this Bill; but exhausted as your patience must be, and fatigued as I am myself, I shall not think of entering into them, except generally and briefly. Out of the Poor-law of Queen Elizabeth,—which gave every man a title to claim relief from some parish or other,—arose the Law of Settlement. My earnest hope is, that by the alteration which this Bill will produce in the state of the country, we shall find that, in another half century,—or it may be at a much earlier period,—the country will be in such a state as to enable us to make still further improvements than those which are now contemplated in the case of settlement. This applies particularly to one branch of the subject, — namely, birth-settlement, — a point which the Bill avoids and makes no change in. My Lords, I own that I could have wished to make some alteration in this respect; but I have great hopes that the improved administration of those laws will enable us to introduce some Amendments with regard to it. I know that, if they were propounded at present, it would be said to be taking a step of too extensive a nature without due reflection and preparation. The proposition of making the place of birth the place of settlement, has been considered and rejected by the House of Commons after full examination. I own that I am disposed to think that birth-settlement would be a great improvement, or rather a settlement by residence, which is in all respects better. Still I am aware that objections may be urged against both, and more especially a settlement by birth alone; but I shall be perfectly willing to discuss it in Committee, although for the reasons I have already stated, I do not think it would be desirable to make the alteration at the present time. One great defect of the existing law upon this subject—that of derivative settlement by parentage—is, that a man may become chargeable himself, and may make others chargeable, upon a parish which has no control whatever over his proceedings. Thus stands the case:—suppose I am a Westmoreland pauper—as I certainly very soon may be if the present system continues—then suppose I go and live in Northamptonshire, but that I do not gain a settlement there,—suppose I make an improvident marriage, and have as many children, as, in the course of nature, would fall to the lot of a man at any time of life; I have, it may be, ten or twelve children, that is supposing I were eighteen. Well, suppose—as is very often the case in such instances—that the wife had peculiar claims upon me before marriage, I might be compelled by the overseers to contract a marriage with her. This, be it recollected, is in Northamptonshire. Now those churchwardens in Northamptonshire who can procure and almost compel the marriage, and those landlords in Northamptonshire who refuse to let me a 10*l.* tenement, and those farmers in Northamptonshire who refuse me a hiring by the year, but allow me to have a family in one of their smallest cottages, have the power to suffer or to forbid me gaining a settlement, but have no interest in my not gaining one among them; indeed, they have rather a direct interest the other way,—they have a direct inducement to increase the number of paupers, who are to burthen the rates of the Westmoreland parish, while the Westmoreland parish, which has the interest in preventing my having a family in a Northamptonshire cottage, has no power whatever to impede that event. If, on the contrary, the place of settlement were the place of birth, all this contradiction and anomaly would cease; for if my children gained a settlement in Northamptonshire as soon as they were born, the overseers would not be so very anxious for my contracting a marriage, nor would the landlords have such an interest in letting me have a cottage. By the present law, however, these inducements to commit what is a great injustice certainly exist. But let us next consider the settlement by hiring and service, which is struck out by the Bill. I think this settlement is almost universally exploded, whether by theorists or by practical men, and it is denounced in this measure as utterly bad, and tending directly against every principle which it would be most desirable to establish for our guide. One of the first consequences of the law which gives every person a settlement in the parish in which he is hired and serves by the year, is a perpetual attempt to evade the law, which, from its tendency to weaken the general respect that ought to be felt for any legislative enactment, is in itself an evil of no small magnitude; for no lawgiver should wish to put his subjects in a constant attempt to evade any of his commands. The Statute of Elizabeth gives a settlement to every one who is hired and serves by the year; but it gives no settlement to one who is hired for 360 days instead of 365. This is a gross evasion of the Act, and yet it is one which takes place from one end of the year to the other, from one end of the island to the other. What is the consequence of the evasion? That great chicanery and much trickery exist. The next consequence is, that hostility and distrust arise between master and man, the man attempting to gain a settlement, the master endeavouring to fend him off; and thus it happens that they are no longer on the friendly footing, in the confidential and kindly habits on which master and man ought to be placed, and on which they stood previous to the years 1794 and 1795. This evasion of the Law of Settlement began to be generally practised, I think, at the commencement of the French war, and it gradually led to the discontinuance of that laudable custom of boarding farm servants in the House—a custom which was attended with the very best results, both to the moral character of the labourers, and to the comforts of the whole farm. They were on the kindest terms with the master; they formed part of the same family; the master was more like the head of a patriarchal family, and the labourers were like his children; they were treated as such; they dined at the same table, and slept under the same roof; and they worked together in the same field. I have frequently seen them in these habits; I have partaken of their fare, and better no one could desire to have set before him, whose appetites were unpampered and unvitiated. The whole household lived more comfortably, because better cheer could be afforded where so many were entertained together. There was a certain degree of domestic control; there was the parental superintendence exercised by the master over the men, and there was the moral sanction of the matron of the family over her maids. The master was the friend and counsellor of the men; the dame of the women. If one of either sex was about to contract an improvident marriage, their advice would be interposed. Although they never heard of the prudential check, nor knew anything of political economists even by name, yet, as the doctrines of those philosophers are only the dictates of prudence and common honesty, the farmer and his good wife would set before the young folks, the imprudence and the dishonesty of a man contracting a marriage before he could maintain a wife and children; she would tell him that which Mr. Malthus is so much abused for saying at all, "Who would ever buy more horses than he can afford to pay for, or afford to keep? Then why should you marry when you have scarcely the means of supporting yourself, for the mere purpose of bringing into the world a number of miserable wretches for whom you have no bread?" I will ventute to say, that in those happier times, bastardy was not one-twentieth part so common as it is now. Of late years, all this has been sadly changed; farm servants are hired for eleven months and a-half; they are then turned out of the house lest they should obtain a settlement, and the consequence is, that they spend half the time before they are hired again at the ale-house, to which they never thought of going before, except on a merry-making day, once in several months. The consequence of this has been, that the habits of the servants have become more dissolute from constant change of place, and that an unfortunate stimulus has been given to the progress of population by the labourers living in cottages. The effect of this interval of a fortnight or three weeks, during which the servants are necessarily out of all places, and running about to fairs and markets, has been fatal to their habits and their morals. I can state this, my Lords, from my own experience and observation; I have also heard from others numerous instances in which men have become idle and dissolute by being turned out in this way. But if the system is bad for the men, it is a great deal worse for the female servants; for what is to become of a poor girl with a father and mother fifty miles off, who has nothing to do, and no where to go to, but to run about from one market to another? My Lords, it is quite in vain to doubt, that, during that fortnight, she has every chance of losing that character, and of becoming a very different person from what she was before. For these reasons it is, that I exceedingly rejoice in the provision of the Bill which abolishes this settlement by hiring altogether. The abolition of the settlement by apprenticeship is also a salutary provision, but it is not so important as getting rid of the settlement by hiring. It is an improvement certainly, because the present law gives rise to much litigation; but I do not set any great store by it. All the other modes of acquiring a settlement remain as they are, with the exception of that arising from the hiring of a 10*l.* tenement, upon which an additional check is imposed, by requiring the payment of taxes during a year. Such, my Lords, are the changes which have been made in the Law of Settlement, and which, for the reasons I have shortly stated, appear to be well recommended. The only remaining part of the subject, to which I have to call your Lordships' attention, is the change which has been made in the Bastardy-laws. I confess that I think this a bold measure; but, at the same time, I consider it a great and unquestionable improvement. The law, as it now stands, throws it upon the man to avoid the offence, and not upon the woman; it leaves the woman with little or no inducement (so far as law is concerned) to preserve her chastity, and it relies wholly on the effect of burthens cast on the men, as if it looked to them alone for avoiding the offence. I must, however, go a step further. I am afraid that the present law raises up a motive in the breast of the woman rather to yield than to resist. I much fear, it co-operates with the frailty of the sex; I fear that the seducer of the woman—the man who is laying siege to her virtue—who has always one ally in the garrison ready to beat a parley—her own passions—finds another ally provided for him by the law, and ready to counsel a surrender—that ally is—not her passions, but her reason—her calculation of interest. From the provisions of the law comes the suggestion—"The law is in my favour; if the worst comes to the worst, I can make him marry me—I will hold that over his head—I am doing that which I know to be wrong in itself, but I am doing that which I do not think will be wrong if marriage follows." Thus thoughts are engendered in the breast, still more dangerous to female virtue than all that the passions can excite, and all that speculations of interest can add to the force of the passions. At the critical moment, when those passions are strong, and themselves ready to overpower the judgment, the law first brings over the reason itself to their side, making it her interest to yield, and then furnishes a soporific to lull the conscience, by engendering a mistaken feeling of perverted morality, and enabling her to look forward to the period when marriage shall cover her fault. She pursues her calculations—she gratifies her passions—she is induced by false notions of virtue and honour to hear the voice of her seducer. No wonder that the citadel is surrendered. This, my Lords, is the operation of the present Bastardy-laws. I will describe this conflict of passion and calculation, and interest and honour, against female virtue, no further. It is, indeed, unnecessary to dwell longer upon the subject, when I remind your Lordships, that the change now propounded is formed on precisely the same principles on which you legislate every day for the upper classes of society, in the cases of conjugal infidelity that come before you. How often have we heard it argued, that the husband and the wife should be put upon a par—that the wife should have the same right to divorce the husband, as the husband now has to divorce the wife—and that the Scottish and the Civil-law should be introduced into this country for the better protection of female happiness and female honour! "No," your Lordships have always answered; and I have always answered with you, "No; we will trust the keeping of a woman's virtue to herself; to her we will apply the threats which may deter from crime; to her apply the dissuasives which may prevent her guilt. If she is afraid to yield, if you make it her interest not to yield, the seducer may beat at the door in vain: his object will be frustrated; yours, and what should be hers, will be gained." Let this principle be applied to the Law of Bastardy—let the woman be deprived of the advantage which she possesses at present—let the disadvantage be placed on her side—let the man have less chance of seducing her from the paths of virtue—let her be deprived of an interest in her own undoing, and a palliative to her feelings if undone—and you will effect a great, and a most desirable improvement in the morals and the happiness of the poor. But, my Lords, I have now gone through all the points of this great and important measure, which appeared to me to call for explanation. I have detained you, I am afraid, at much too great length, certainly at much greater length than I intended when I rose to speak. I can safely say, in conclusion, that if I have intruded unreasonably on your time, it has not been occasioned by the attractions which any part of this painful and thorny subject presents: it has not been from any delight I have felt in the contemplation of scenes creditable to no party, neither to our ancestors who made the laws, nor to their sons who executed them, nor to succeeding generations of lawgivers, who have, instead of attempting to improve them, done all they could to make bad worse. It has been owing to no gratification which I have experienced in dwelling upon events, and in looking on scenes revolting to me as an Englishman and a man. It has been from a conscientious sense of public duty that I have unfolded to you a picture as dark and repulsive, as it is but too faithfully pourtrayed. This sense of duty alone has subdued those feelings which originally alienated me from the task, and made me feel more relieved than I ever felt before in my life, when my noble friend, lately at the head of his Majesty's Government, declared his intention of bringing this important and difficult subject before you. My Lords, I have borne a part in this great question since I first entered the other House of Parliament—having, in the years 1817 and 1818 especially, originated what measures I could towards the reformation of the Poor-laws—having, in 1831, the instant I became a member of the present Administration, turned my mind to this great question, from which I was diverted only by a measure of overwhelming interest, and absorbing all other considerations—I mean the Reform Bill. In 1832, the Commission issued under the Great Seal, which, of course, prevented my continuing my efforts until its Reports had been received, and which necessarily rendered it impossible to bring the question under the view of Parliament at any earlier period. My Lords, these are the circumstances which have connected me with this mighty question; and prescribed to me the duty of rendering my feeble assistance towards bringing it before your Lordships. My mind acquits me, I can assure you, of any sinister motive in taking the part I am now taking: it acquits me, above all, of any desire to court, either for me, or for mine, or for those with whom I am nearly and dearly connected in office, any portion of popular feeling. My Lords, it is consolatory to reflect that we have no obloquy to apprehend from any considerable portion of the community. We have only to incur the hazard of misconception in some quarters, of misrepresentation in others, of false direction of right feelings, and of exaggerated views of things little understood, or it may be of malignity worse than ignorance. My Lords, we have set before ourselves no possibility of any advantage as a Government, or as a party, except the inestimable satisfaction of coming before our country, and challenging from all parties in the State that respect which is due to Ministers who manfully take their own course, who look neither to the right hand, neither to the left; who discharge what they feel to be their duty, regardless alike of whom they may irritate or whom they may alarm; and who hold up in their hands the result of their best efforts to serve the community, that has hitherto cordially and affectionately, and I may almost say unanimously, placed implicit confidence in them: resolved at all hazards to show this great and honest people, that at all times, and on all subjects, they will consult only its best interests and its real welfare, hoping for no other reward than an approving conscience, and the judicious verdict of the enlightened, the rational, and the honest part of mankind. I move your Lordships, that this Bill be now read a second time.

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Lord *Wynford* said, that if the Bill were calculated to produce to the country all the good which the noble and learned Lord who introduced it that night to the consideration of their Lordships had described as likely to result from it, that good would in no way be diminished by postponing the consideration of the Bill until the next Session. The House of Commons had taken two months to consider this Bill, and it was asking rather too much that at this late period of the Session it should be hurried through their Lordships' House without that due consideration which so important a measure demanded. If evils had arisen from the present state of the Poor-laws, or the mal-administration of them, as the noble and learned Lord had stated, those evils were not likely to be remedied by the hasty adoption of the present Bill. Indeed, he considered it impossible that this Bill could now be passed, and their Lordships pay to it that attention which its importance required. No possible disadvantage could arise from postponing it to the next Session, because it would even then take effect, if early passed into a law, as soon as it was intended it should, if passed this Session. There could, therefore, be no object in thus hurrying it through their Lordships' House. What would the country think and say of the attention and consideration that their Lordships gave to momentous subjects of legislation, when it was seen that the House of Commons took two months to consider this Bill, and the House of Lords disposed of it without the possibility of considering it at all with the necessary attention? Were their Lordships to take this Bill solely on the credit of the House of Commons? They must do so, if they adopted it in this hasty manner, for it was impossible they could have time to give it proper attention. The noble and learned Lord had assumed, that all the evils he had described, which the agricultural and other interests of the country laboured under, proceeded from the Poor-laws, and the mode of administering them. "Bad laws worse administered" was, he believed, the expression of his noble friend; and thus was disposed of what for ages had been considered as the honour of the country. His noble friend's assertion, however, was founded on a very narrow view of the question. A large number of the witnesses who had been examined on the subject had assigned other causes for the evils that had been described. Many said, that the Poor-laws had very little to do with those evils. There were many circumstances besides the Poor-laws which led to that state of the country which the noble and learned Lord had so eloquently described. The alteration in the currency, the operation of the Corn-laws, and, what was still more, the threats that were so continually held out of alteration in those laws, which prevented farmers from embarking capital to an extent that they otherwise would, had contributed to impoverish the landowners, and deprive the labourers of employment. With respect to the effect of the Poor-laws on the comforts of the labourer, if the evidence taken before the Commissioners were properly attended to, it would be seen that the poor were better off now than they had been for some years; and as to there being large numbers out of employment, he would ask was there anything in this Bill that was in the least degree calculated to give them employment, or that had in view any such object? If there existed that state of vicious idleness throughout the labouring classes which the noble and learned Lord had described, this did not proceed from the operation of the Poor-laws, but from the distress of the farmers, who were not able to pay and employ labourers as they did in former and better times. He had great respect for many of the persons of whom the noble and learned Lord had spoken as political economists, and he would not go the length of saying that this science, as it was called, of political economy had produced the evils complained of; but he was of opinion, that it had something to do with those evils. On reading the Report of the Poor-law Commission, there would be found sufficient to account satisfactorily for the ills by which the agricultural interests of the country were beset, without referring them to the operation of the Poor-laws. It was there clearly shown, that the land itself did not now produce by one-fourth as much as it did some years ago, and this fact must necessarily reduce in proportion the demand for labour. His wonder was, under all circumstances, that the poor were so well off as they appeared to be, and to make them so the Magistrates throughout the country must have performed their duties well. In his mind, it was quite idle to say, that the Poor-laws had produced the state of things so much complained of. He believed the Poor-laws had little to do with the matter. The noble and learned Lord had charged the increase of the population and the consequent reduction of the price of labour on the Poor-laws; but how could he sustain this position? Look at Ireland. There were no Poor-laws in that country; and would any man say, that there was not a vast increase of the population there? The population of that country were in such a wretched and abject state of misery that it would be utterly hopeless to attempt to amend the state of the labouring population in this country until something was done to keep the Irish labourers at home, and prevent them coming over here to overstock the labour market, and while they were in their present condition, nothing but a wall of brass would keep them out. It was well known, that the Irish labourers had already driven our own labourers from the towns, for here almost all the work was done by Irish labourers. Was the present Bill, he would ask, calculated to remedy this evil? Was it calculated to give employment to the unemployed? And if it was not, it was only practising a delusion to send it forth as a measure calculated to afford relief to the labouring classes. Then, as to the "allowance" system, would that be checked by this measure? He was sure it would not, and he did not think that the framers of the Bill themselves believed that it would, or if they did, what did they mean by the 49th clause, which gave to the Commissioners a discretionary power of granting allowances in certain cases? He did not approve giving to the Central Board the powers that were now vested in the Magistrates, and which it was well known these Magistrates exercised with a most beneficial effect for the comforts of the poor. The fact was, that wages were too low in this country, and that evil the Bill would not remedy. Suppose wages were to continue at the present low rate,—namely, 8*s.* a-week, how could a man with a wife and a parcel of children support himself on such a sum, without some aid from the parish funds, which the Magistrates always judiciously afforded? Why, the rent of his cottage alone would require almost his weekly wages, and the law of nature would always supersede the law of the land. Some support must always be given to the distressed labourer from the parish funds, when his own labour would not enable him to sustain himself. The noble and learned Lord had spoken of Mr. Pitt, and his views of the Poor-law system. The Bill which Mr. Pitt had introduced on the subject was a much better Bill than this. He knew that Bill, and he knew, though in some measure defective, that it was infinitely superior to the present Bill. Mr. Pitt's Bill went to provide, that certain allowances should be made to those of the labouring classes, even while in employment, whose wages were not sufficient for the support of their families, and these allowances were to be in proportion to the number of children that the person requiring relief might have. This was the proper principle on which to afford relief to have it directly sanctioned and apportioned by the law. The benefits arising from large families, Mr. Pitt looked upon as advantageous to the interests of the country; but it had happened since Mr. Pitt's time, that this benefit had been showered upon us, and the difficulty now was, how to dispose of them. It was clear, that if the farmers could not pay their labourers sufficient wages to support them, as a matter of necessity the labourers must derive support from the rates. The noble and learned Lord had admitted that the Magistrates throughout the country had done their duty generally. He (Lord Wynford) did not want the authority of the noble and learned Lord to satisfy him, that the Magistrates had done their duty. He had had good opportunity of knowing, that they had always done their duty. He would not say, that there might not be some particular instances of misconduct on the part of Magistrates when they had perhaps gone beyond the law; but he was sure those instances were very rare. The complaint made against Magistrates was, that they were too lavish in giving the money out of their own pockets to relieve the poor; that in fact, they were too liberal of what they themselves had to pay their share of. Now, if indeed they had been too niggardly towards the poor, there might be just grounds for complaint; but this was not the case. In the poorer districts of the country where employment could not be had, there must always be a large portion of the labourers out of employ, and the wages much reduced. In this case what was to become of those poor people if the Magistrates did not act upon that liberal feeling by which they were always influenced? Much had been said in condemnation of the existing Poor-laws. Now, he had never heard any fault found with any part of those laws, except the Statute of Charles 2nd. This had been complained of by Adam Smith; but he had never heard any complaint made against the 43rd of Elizabeth, for this Statute went to establish the best principle upon which Poor-laws could be founded—namely, that they should go to relieve the aged and infirm, and those who, having contributed by their labour to the wealth of the country, were no longer able to earn a support for themselves. This was the genuine principle of charity and mercy, on which all such laws should rest. He hoped this country would never exist without a system of Poor-laws like this, but care should always be taken that those laws should not be abused. In this land of liberty, a man had a right to the means of support by his own labour, and it would no longer deserve the name of a land of freedom, if any part of its labouring population were denied the means of proper support. But, even supposing, that individual Magistrates had sometimes done wrong, did that fact render all this complicated machinery necessary? He thought not, and, what was more, he fully believed, that the Commissioners had been imposed upon in the information that was furnished them. He was persuaded that few, if any, cases of misconduct on the part of the Magistrates, could be adduced; but, even admitting that such cases could be found, might not such abuses be easily remedied without resorting to a measure of this description? Suppose, for instance, they were to say, that the poor man should only be entitled to parochial relief when he became impotent from age or other circumstances, and that the able-bodied man should labour, if work could be provided for him, would they not by such means remedy the defects in the present system? He was quite sure, that if no item were allowed in an overseer's account, without the sanction of the Petty Sessions, much that was objectionable in the present mode of disbursing the parish funds would be removed; and, if so, they would have acted more wisely in rendering the laws applicable to the purposes for which they were intended by such means than by adopting an experiment that was as novel as it was fraught with danger in the working. The next principle of the Bill to which he would allude was, that which went to alter the law relating to settlement. He had always objected to the Act of Charles 2nd, and wished that the Law of Settlement could be got rid of, for it was his opinion, that the parish in which a man broke down was that which ought to bear the burthen of his support. This would set labour free, and enable the labourer to travel about in quest of employment, which would be a manifest advantage to all parties. The facilities of gaining a settlement were now, however, to be diminished; but, although that was the case, the evils of which the political economists complained were left wholly untouched by this Bill. In his opinion, taking away the right of settlement by apprenticeship would be not only unjust and impolitic, but cruel and unwise. This question was fully discussed about two years ago, when the Mariners' Apprentice Bill came under their Lordships' consideration. He opposed that Bill by the same argument that he employed on the present occasion. After a boy had served his apprenticeship in a particular town, and lived there until old age had come upon him, would it not be a great hardship to leave him, and, perhaps, his wife and children, liable to be sent to a parish 100 or 200 miles distant, which had never derived the least benefit from his industry, and where, in all human probability, he would not only be unknown, but without a single friend to look after his interests? To him, therefore, it appeared, that this alteration in the law was most unjust as regarded parishes, and cruel in the extreme as respected individuals. But it was said, that it would prevent litigation. Now, instead of having any such effect, he believed, that the contrary would be the result, and that litigation, instead of being diminished, would be considerably increased by it. There was a point connected with this measure which the noble and learned Lord had passed over without observation, and that was, the provision that was made in it for lending small sums of money to the industrious poor. He must say, that he approved of this part of the Bill, as he knew from observation and experience, that such loans had been productive of very great advantage to the poor. He also approved of attaching the repayment of such loans on the goods of paupers, because it would prevent that improvidence which but too frequently marked their conduct, at the same time that it would enable deserving families to get forward in the world by means of honest industry. For these reasons it was, that he approved of this portion of the measure. With respect to the bastardy clauses, he was glad, that the framers of the Bill had not attended to the recommendation of the Commissioners. One of the grounds of that recommendation was, that the throwing the burthen on the woman exclusively would diminish the number of bastard children; but supposing that it would diminish them nine-tenths, he would prefer the law to remain as it now stood rather than that a different system, such as that in the Bill, should tempt the guilty parent to raise her hand against her own offspring. He had seen statements of cases in the Reports of the Commissioners where women considered it a little fortune to have three or four illegitimate children, from the allowances for whose support they obtained a maintenance. He must believe that in such accounts the Commissioners were imposed upon; but supposing, that the accounts were as it was stated, the 43rd of Elizabeth was sufficient to correct the evil, if that Act were duly enforced; for by that Act the allowance was not directed to be given to the mother, but was to go to the parish, to be applied to the support of the child as might be thought proper; so that, in fact, no encouragement was held out by that Act to the mother to increase the number of her illegitimate children, if the law were duly administered. He was inclined to think, that the greatest inducement held out to the woman on such occasions was, not the hope of the allowance which she might receive, but the promise or prospect of marriage: but these were left untouched by the Bill, and would have their full force under its operation, as much as they had at the present moment. He would contend that the enactments against bastardy as they now stood would be found as fully sufficient as, and more sufficient than, those of the Bill before their Lordships. Wherever the Poor-laws had been strictly administered in accordance with the directions in the Statute, they had been found to work well, and therefore he had a right to contend that, instead of adopting an entirely new measure like that now proposed, the better course would have been to restore the old system to what it originally was, by expunging from it the abuses which had crept into it from time to time. He had now touched upon the leading features of the Bill, and he would only trouble their Lordships with a very few observations on what was likely to be its practical effects. He must confess, that it filled him with a species of horror that the people of this country should ever think of reposing such novel, he might say such extraordinary, powers in the hands of three, or rather of twelve, Commissioners. But what was the excuse that was made for this departure from every thing like precedent or principle? It was said, indeed, that the Constitution of a Central Board would enable them to adopt one uniform system throughout the country. But he denied that any thing like an uniform system could either be established or would be durable even if it could. What knowledge could the Central Board possess respecting the circumstances of each parish or district in the kingdom, and the distinct mode of Government necessary to be adopted in each? And unless they possessed such information, how could they possibly frame any uniform system? But it was his opinion that not only could no uniform system be adopted, but that this Central Board would do no good, and for the reason that they would not be acquainted with that species of knowledge which was absolutely essential to the due and impartial administration of the Poor-laws. It should be recollected, that there were 12,000 parishes in England, and that an accurate acquaintance with the local and peculiar circumstances of each of them was necessary to their good government. It was, therefore, perfectly ridiculous to talk about their Central Board, for it must be impotent, if not actually mischievous. What control could it possess over parishes placed at a remote distance from it, or how could it remedy the abuses which might exist in such places? The thing was absurd. Even after they had called their Central Board into existence, how were the poor to be managed? Was it not plain, that they must be governed by the same persons by whom they were managed at present, and, if so, was it likely that either select vestries or guardians of the poor would suffer themselves to be controlled in the relief which they thought fit to give to the pauper by this Central Board? But he looked at this power in another point of view. Every man's property would, in point of fact, become subject to it, and so wholly without control would it be, that not only could the Commissioners rate parishes just as they pleased, but unite them, or dissolve Unions which had been made, at their mere will and pleasure. Much injustice might be worked by means of those Unions. If a rural parish, were joined to a town parish the workhouse being in the latter, the pauper would necessarily have to go there. Thus injustice would be done to the pauper by sending him from the country into the town, and immorality would be disseminated to an incalculable extent. But if Unions had been attended with any commensurate advantage was it to be supposed that they would not have been effected under the existing law. The fact, however, was, that they had been tried and found inexpedient, and therefore they had been abandoned. But this was not all. The Commissioners were to employ such officers as they deemed proper, and of course to pay them. They were also to be at liberty to subpœna such witnesses as they pleased, and at their mere whim or fancy starve or feed the paupers; that was, they would have the power of taking as much money as they thought proper out of the pockets of the rate-payers, or letting it alone. Never was there an instance in either ancient or modern times when such a power as this was given to any set of men. Blackstone himself contemplated with horror the power that was given to the King under the Mutiny Act. He thought it was unconstitutional that his Majesty should have the power of making laws, deciding upon laws, and rescinding laws; and yet the power which Blackstone thought unfit to be placed in the hands even of the King was to be given to these Commissioners. They were even to have the power of delegating that power, and the only restraint to which they or those delegated by them, would be subject would be in making general regulations. Their general regulations would have to be submitted to the Secretary of State; but no control whatever was intended to be exercised over their other proceedings. He did not think that even the noble and learned Lord himself could defend delegating such enormous powers as these; but, even if he should, then he must say that he was certainly too jealous about granting arbitrary power ever to permit it except in a case of absolute necessity; but no such necessity had as yet been made out. He had shown, that it would not only affect property generally, but that it would enable the Commissioners to determine whether the unfortunate pauper should eat his miserable pittance in a state of liberty or of thraldom. Whilst in the workhouse they could treat the pauper just as they pleased, and in them was to be vested the power to say: "You shall have relief or you shall not." He could not help saying, that it was utterly impossible for him to contemplate those powers without alarm. They had abolished negro slavery; but if this Bill passed, he very much feared that a short time only would elapse until they saw the condition of the poor of this country infinitely worse than that of the serfs of the continent, or the villains of former ages; worse even than that of the slaves in the West Indies to whom they had given their freedom. He had now to call the attention of their Lordships to the unconstitutional manner in which these Commissioners were to be paid. According to established precedent, the salaries of permanent Commissioners were fixed by law; but in the present instance that was not to be the case, the right of deciding upon the amount of those salaries being left dependent upon the pleasure of the King and the judgment of Parliament from year to year. But in other respects besides those he had adverted to was this Bill defective. Nothing could ever induce him to confer on any body of men a power at the same time so novel and unnecessary; and therefore, as no proof had been given that it was called for, he hoped that the noble Lords who supported it would consent to postpone it until the next Session, in order that they might obtain the advice of practical men respecting its provisions. The other important duties which the Commissioners had to discharge rendered it impossible that they could have weighed the evidence before them maturely at the time they furnished their recommendations, and therefore it was, that he wished to have the opinion of practical men before this Government scheme was carried into execution. It was highly calculated to create alarm in the breasts of the poor when they found that the evils they had endured were attributable to the Government; and on this account it would be dangerous, as, instead of attaching blame to the local authorities, they must know that the whole fault rested with the Ministers of the Crown. This would lead naturally to discontent and bad feeling towards the Government, and hence it was, that he entreated their Lordships to proceed with caution, in order that they might become thoroughly acquainted with all the bearings of the measure before they passed it into a law. With these observations he should conclude by moving, that the Bill be read a second time this day six months.

The Earl of *Winchilsea* said, that he should support the second reading of this Bill because he thought that, after some Amendments had been made in it in Committee, it would effect an alteration in the Poor-laws which would be highly beneficial to the labouring classes. He viewed this measure as being second in importance to none that had ever been brought under their Lordships' consideration, and, thinking that it would be an advantage to the labouring population of the country, he willingly came forward to give it his support. The opponents of the measure, who were anxious to maintain those laws which were on all hands admitted to be defective, were bound to show how the abuses which had crept into them could be got rid of, before they called for the rejection of this Bill; and having failed to do this, he, in the absence of any such proposition, certainly found himself bound to enter upon the consideration of this measure. It was not to the law, as founded by the 43rd of Elizabeth, that he objected. That law proceeded upon the true principles of justice and charity, and it was not the provision for the relief of the aged, the infirm, the sick, the impotent, or the indigent, which was even made the subject of question. He must, however, admit, that the Magistracy of the country had been much to blame. Their conduct, to say the least of it, was most injudicious, for they had made no distinction between honest industry and indolent vice, and this it was, that had broken down the spirit of independence for which the peasantry had been distinguished. He would now refer to that part of the Bill which related to bastardy, and, so far from agreeing with the noble and learned Baron behind him (Lord Wynford) that the change would be productive of injury, he firmly believed that very great benefit must result from it, and that it would go a great way to check vice and profligacy. He also thought, that destroying settlement arising from hiring, servitude, or apprenticeship would be a great improvement in the law, but he at the same time feared that it would fail unless it were followed in the next Session by the introduction of some modified system of Poor-laws into Ireland. The influx of Irish labourers into this country occasioned the distress which the English labourer endured, particularly in some of the agricultural districts; and, therefore, unless that evil were remedied, no change that could be made would work satisfactorily. By the Bill, as it was introduced into the House, no labourer could take a settlement who did not occupy a house rated at 10*l.* a-year, nor could a child gain a settlement until after it was sixteen years of age. This, however, had undergone some alteration; but, for his part, he would not object to see the amount of rating raised to 16*l.*, or even to 20*l.* The inclosure of commons had been a very great injury to the poor, and had deprived them of the assistance they used to derive from their cow, their sheep, and their geese. Now he entirely approved of that part of the Bill which provided for making allowances to able-bodied men, and this he thought was a complete answer to those who stated that the poor could have no relief except in the workhouses. With respect to the power to be confided in the Commissioners, he must say, that he looked upon that with some degree of jealousy. He allowed that it was both new and unconstitutional, but he felt that the situation of the country was such as to demand that some extraordinary means should be taken to bring the Poor-laws back to that wholesome state in which they were when they were looked upon by the poor man as a blessing. He fully agreed with his noble and learned friend (Lord Wynford) that it would be wholly impossible to establish one uniform system for the whole country. The attempt had been made and failed, and, in proof of this, he had only to state, that in the three counties in which he had discharged the functions of a Magistrate the Poor-laws were administered so differently in each that they could scarcely be recognised as proceeding from the same source. It was quite clear, that the same description of relief would not be necessary in all parishes, but although it might not be possible to establish uniformity, he thought it would be very easy to go the length of giving encouragement to industry in all quarters. All the changes which had hitherto been made had failed in producing any beneficial result, and, therefore, it was, that he was prepared to support the second reading of this Bill, in the honest and conscientious hope that it would prove an advantage to the labouring poor.

The Earl of *Eldon* was understood to say, that nothing could induce him to vote for the second reading of a Bill of such vast importance as this was that night. After the Magistracy, the Clergy, and the Gentlemen of the country had done their best to carry this Statute into effect, was it possible that they, legislating at such a season of the year, were likely to deal with a subject so complicated and difficult with that deliberation which it required? They had no right to blame parties whose conduct rather deserved to be praised; but he begged their Lordships to understand that his objection was, not that the Bill should be read a second time, but that the second reading should take place then. His sincere opinion was, that nothing but mischief could result from undue haste, and that was the ground on which he besought them to take more time and act with greater deliberation.

Lord *Alvanley* said, that it was not his practice to obtrude himself on their Lordships' attention; but he was induced to depart from his usual habit by the important nature of the measure under discussion. He was perfectly convinced that the Poor-laws, as they stood at present, would, if properly administered, remove all the evils respecting which their Lordships had heard so much complaint, and which were, in fact, only the effect of the maladministration of those laws. He, therefore, thought that the Bill now on their Lordships' Table was unnecessary; but he particularly objected to it on the ground that it would prove destructive of that system of self-government under which this country had risen to its present state of prosperity. It was not his intention to go into the details of the measure, but should content himself with declaring, that he was decidedly opposed to its principles, and to the establishment of the Board of Commissioners. The powers which it was proposed to confer on them were of the most despotic character, and far greater than any ever granted to a Board in latter times. He was confident that this Board of Commissioners would render itself odious throughout the country by its constant interference in local, nay domestic concerns, and by destroying that connexion which existed at present, to the great advantage of both, between the poor man and his rich neighbour. In support of the assertion he had made, that nothing more than an improved administration of the present Poor-law was wanted, he felt it necessary to trouble their Lordships with the statement of a few facts in reference to the condition of three parishes. The first parish to which he would direct their Lordships' attention was Bingham. This parish was in 1817 in a state of great demoralization. The poor-rates amounted to 1,206*l.* on a rental of 7,498*l.*, and the number of paupers to 221. However, by the measures adopted by the reverend Mr. Lowe, the clergyman attached to the parish, a great improvement was effected in its condition. The first thing he did was to refuse relief to persons out of the workhouse, and the consequence of obliging all labourers who sought relief to go into the workhouse was to diminish the number of the applicants. The next step which he took was one which, on the first blush, had the appearance of harshness; he compelled the occupiers of small cottages to contribute to the poor-rates, however trifling their payment might be. The effect produced by this measure he would state to their Lordships in Mr. Lowe's own words;—"Where this has been done," said the reverend gentleman, "the tenants of cottages are more clamorous against those who receive relief than the rich." The result was, that in 1832 the poor-rates were reduced from 1,206*l.*, their amount in 1817, to 419*l.* In two other parishes, where similar means had been adopted, the same effect had been produced. In one, the parish of Southwell, the poor-rates in 1813 amounted to 1,381*l.*, on a rental of 10,642*l.*, and in 1832 they were reduced to 417*l.*; and in the other, Uley, the poor-rates in 1830 amounted to 3,185*l.*, and in 1833 to only 800*l.* These facts afforded a sufficient proof that the present Bill was unnecessary; but he had another reason, which was paramount with him, for opposing its further progress. He could not help viewing with alarm the introduction into this country of a system which, he firmly believed, would sap the foundation of the prosperity of the British empire. The system to which he alluded had no English name—it was the French system of centralization. He would ask their Lordships how it happened that this country, in spite of every disadvantage, carried on a commerce a thousandfold greater than any other nation in the world, and enjoyed unexampled wealth and prosperity? How was it that this country had been able to retain the possession of colonies larger in extent than the Roman empire, in defiance of the whole civilized world, which during the last war was opposed to her? The reason was, because the Government of this country had hitherto judiciously permitted every man in it to develope his talents in the manner he liked best. The country was intersected by canals and roads, covered with public works, and adorned by magnificent edifices. Could their Lordships believe, that this would have been the case if every man who wished to make a road, or construct a bridge, had been obliged to submit his plan to a Central Board des Ponts et Chaussées? The opinion which he entertained on this subject was confirmed by the observations of an enlightened foreigner. The Baron Dupin said, "What has the English Government done in so short a time to produce the public works which alone have occasioned the great results of which we have just given a picture? Nothing; it has allowed commerce and industry to act from themselves. It has thought that it did enough in assuring them protection in foreign countries, justice everywhere, and in the interior unbounded liberty." Thinking that these were the principles on which the Government of this country ought to be conducted, he felt bound to oppose the present Bill, because he regarded it as the first step to the introduction here of the French system of centralization.

The Earl of *Radnor* concurred in the observations which had fallen from the noble Baron (Lord Alvanley) with regard to a general system of centralization; but though the noble Lord had urged the continuance of a system of self-government, he must remind him that in many parishes this power became misgovernment; and hence it was, that he supported the proposition for the establishment of a

Central Board for, at least, a short period. He was surprised that the noble Baron (Baron Alvanley) had not discovered that one part of his speech had answered the other. How came it that the measures which had been adopted under the system of self-government in particular places had not been adopted in the neighbouring parishes, and that they had not emulated the example (so much eulogized) which had been set them by the parish of Bingham, and other places which had been enumerated? In order to obtain an effectual union, it was absolutely necessary that there should be a head able and qualified to carry the advantages of any system generally into effect, possessing the power to do so, and uniting such industry, perseverance, and courage, as would secure the success of the scheme. He admitted, that if it could be shown that every parish in England contained a Mr. Lowe or a Mr. Litchfield, then the establishment of a Board of Commissioners was unnecessary and uncalled for, but in the absence of such proof he must contend, that the proposed plan was essential for the formation and preparation of rules and regulations that could not by any individual parish be deviated from. This proposition would not have the effect, as had been contended, of superseding the law, but would rather be calculated to give it full and complete effect; for though every noble Lord who had spoken had implied, that though the law was good, yet the Administration was bad, the noble and learned Earl opposite had complained, that the Commissioners would be mere theorists. All rule and government was based upon theory, and these Commissioners would be enabled to unite their theory with practice. He deprecated the anxiety expressed by some noble Lords, that this measure should be put off for another year, in order to afford them time to make inquiries in the country, because sufficient opportunities had already been granted, for it had been admitted, that the grievances arising out of the present system had continued increasing for the last twenty years, and yet in the face of that increase nothing had been done. He denied that the provisions of the present Bill would reduce the people of this country to a state of slavery. Much was said, it was true, of the powers given to the Commissioners; but it was forgotten that at present the most offensive powers were vested, not in the hands of men of education, experience, and learning, qualified in every respect to make rules and regulations, and to lay down just and equitable principles for the government of all parishes, but in the hands of overseers and guardians of the poor whose mode of life (he spoke it not disrepectfully), whose occupations, made them incapable of framing such regulations—in the hands of men open to all sorts and descriptions of bias and partiality. All these evils the Central Board would be calculated to remove. The objection as to the powers of these Commissioners to compel the raising money, which had been raised by the noble and learned Baron opposite (Lord Wynford), in his opinion failed, for the Bill itself limited those powers to the raising only of *50l.*, and that was still further limited to the purposes of repairing the workhouses. On the whole, he conceived it essential that the Bill should be passed without unnecessary delay, not, however, without due deliberation, for he had witnessed the growing evils arising from the administration of the Poor-laws. He was mainly anxious for the passing of this Bill, because he was convinced, that those from whom the rates were raised required this measure of relief, which he trusted their Lordships would not refuse to afford them.

The Duke of *Wellington* said, that he felt called upon shortly to state the reasons why he should give his vote in favour of the second reading of this Bill. In the first place, he must say, that if it was proper to pass the Bill, he was satisfied that there was ample time during the present Session to go through the Committee with it, and regularly through all its stages, and that it was the duty of their Lordships, without any further loss of time, to proceed with a measure which, if necessary at all, was necessary now. He should, on this ground alone, vote against the amendment for a postponement. He concurred with the noble and learned Lord on the Woolsack, and with the noble Lord opposite, as to the necessity of this measure. He agreed first of all in the existence of grievances consequent upon the administration of the existing Poor-laws, but he did not concur in the opinion expressed by the noble and learned Lord (the Lord Chancellor) disapproving the provisions of the Statute of Elizabeth; but he did disapprove of a system of administration which differed in each and every one of the 12,000 parishes in this country, and in each of which different and varied abuses had crept in. He maintained, that it was impossible for Parliament to frame any law that could by possibility remedy or apply to the abuses which prevailed at the present moment—abuses which were as varied in their character as they were numerous. Hence it became absolutely necessary that such an appointment as a Central Board of Commissioners should be made, with powers to control the whole of the parishes in the land, and to adopt such remedies as would secure a sane administration of the Poor-laws throughout the country. The subject had been submitted to the House by several noble Lords, and had also been under the consideration of every Administration that he had known; but no plan had ever been suggested, or scheme proposed, to remove and remedy the evils of the existing laws, which in his judgment at all equalled the present, and for it he must return the noble Lords opposite, with whom it had originated, his sincere thanks. The present remedy for the evils of the existing laws was most unquestionably the best which had ever been devised; at the same time he must observe, that as the Central Board of Commissioners must necessarily have very extraordinary and full powers, it would be proper that they should keep such a record of their proceedings as would render them liable to the actual control at all times of the Government and Parliament of the country. He doubted much whether the provisions of this Bill gave such a control to the Government as would afford a full knowledge to the Parliament at all times of the course pursued by the Commissioners; but in Committee on the Bill he should consider whether some alteration was not necessary, in order to make that control more active. There were several clauses in the Bill which required much alteration and modification. He entirely approved of the removal of the allowance system, which was one of the greatest evils arising from the existing Poor-laws; but he was of opinion, that it ought to have been gradually and slowly destroyed, and without a fixed day for its termination being specified in the Bill. He would recommend that this clause should be left out, and that power should be given to the Commissioners to carry gradually such alterations in this respect into effect as to them might seem meet. With respect to the clauses of the Bill relating to the laws of settlement and bastardy, he should reserve himself until the Bill went into Committee; and he should not have troubled their Lordships with these few words, but that he was anxious to declare his sentiments upon a Bill which should have his support.

Lord *Segrave*, in reference to what had fallen from the noble Lord on the cross-bench (Alvanley) with regard to the parish of Uley, said, that he was acquainted with the respectable Magistrate who had been referred to, and he could state, that whatever had been accomplished in that parish could not have been so from any personal or local influence of that individual, for he neither lived in the parish, nor did he act as a Magistrate in the district in which it was situated.

Lord *Stourton* came down to the House much disposed to resist the Bill before their Lordships. He considered it as breaking up some of the old relations of the community, and depriving the labouring man in his distress of his old and accustomed and hereditary guardians and protectors. But, after the observations and arguments of other noble Lords of greater experience, and particularly after the luminous and powerful statement of the learned Lord on the Woolsack, detailing all the evils and abuses of the present system, he felt impelled to seek for a remedy in a change. He was also led to this conclusion, and to embrace a new arrangement, by the speech of a noble Earl (Winchilsea) which had been justly cheered by many of their Lordships, exhibiting the necessity of including Ireland under some system of relief. For noble Lords might be convinced, that unless some more attention were paid to the destitute condition of the Irish labourer, that the Legislature would struggle in vain to uphold the independence, or even to maintain the present comforts, of the English labourer. The new, extraordinary, and incalculable power of steam was daily triumphing more and more over time and distance, and bringing England and Ireland into closer contact. Such was the language of a very able little work written expressly and avowedly to convey correct information to the labourers of this country. He meant "the Results of Machinery."

Such again was the language of Parliament itself. He would, with the permission of their Lordships, quote shortly from each—the "Results of Machinery" said, that "the whole Territory of Great Britain and Ireland, is more compact, more closely united, more accessible, than was a single county two centuries ago;" and Mr. Williams' evidence was quoted in that work, asserting that ten tons of Poultry, and that fifty tons, or 880,000 Eggs in one day were shipped from Dublin to Liverpool; and could their Lordships believe, that the wages and condition of labourers would not tend to an equilibrium, under such circumstances as these. A Parliamentary Report was still more impressive, "Your Committee," it said, "cannot too strongly impress upon the House, that between two countries so intimately connected as Great Britain and Ireland, two different rates of wages, and two different conditions of the people cannot permanently co-exist." He, therefore, would conjure their Lordships and the Government to grapple with the forlorn state, and extreme exigencies of the surplus and ejected labour of Ireland; or no Board, no contrivance, no machinery they could invent, would ever enable them to rescue the English labourers from increasing degradation and distress, exposed, as they were, to the strong and deep and irresistible current of cheap labour from Ireland.

Viscount *Melbourne* said, that after the full and able statement which had been made by his noble and learned friend on the Woolsack, in support of the Bill now before their Lordships, it was scarcely necessary he should trouble their Lordships with any observation; but such was the paramount importance of this measure, that he felt he should not discharge his duty if he allowed the Bill to pass this stage without offering a very few words upon it. The Bill was one of the greatest importance to every part of the British Empire, to England especially; to Scotland, as it was calculated to make her persevere in that system which had been established by herself; and it was also of the deepest importance to Ireland, in order to teach those who advocated the introduction of Poor-laws into that country what form should there be applied. This last subject was well known to be now under serious consideration, and he trusted it would be deliberated upon with that care, calmness, and patience which its importance deserved. He could not agree with those noble Lords who wished for a postponement of the present Bill. Such a course might be well for those who were opposed to, and wished to get rid of, the measure altogether, but those who felt that it would afford a remedy for existing evils, and considering that there was now ample time for a full consideration of the subject, would concur with him in thinking that it would be the grossest absurdity, nay, almost madness and insanity, to lose the present opportunity of settling this great question. He had heard with much pleasure the speech of his noble friend on the cross benches (Lord Alvanley), and he regretted that he could not entirely concur in the sentiments which had fallen from that noble Lord. He knew the acuteness and power of mind possessed by his noble friend, and was the more surprised to find how much he had misled and deceived himself on the present occasion. So long as he had thought on the subject of the Poor-laws, nothing had struck him so forcibly as the great absurdity which arose from them, of placing so heavy an amount of taxation under uncertain temporary and local control and government. The poor-rate was the heaviest direct tax levied in the country, and was equal in amount to the Assessed-taxes and the Land-tax put together—nay exceeding both those imposts by 1,500,000*l.*; indeed, in some parishes the amount of poor-rates quadrupled that of the Assessed and Land taxes united. Was it then not necessary that, in a financial point of view, some regulation should be made? It was worse than the Income-tax, which had been objected to, because it was a growing tax, and thereby afforded a temptation to the Government, in time of need, to put on, year after year, a little more, until they could confiscate the whole property of the country; for the poor-rate was a growing tax—increasing every year, secretly and silently; while an Income-tax could only be increased by the consent of the Legislature openly and publicly obtained. Again, the question of the Poor-laws was still more important, because it involved the state of morals in the country. The subject was all-important, and he concurred with the noble Duke in the opinion, that the evils were only to be remedied by a Central Board, armed with powers ample and sufficient for the duties it was destined to perform. With respect to the alterations which had been suggested in particular provisions of the Bill, it would be time enough for him to enter upon them when the Bill was in Committee, for, as far as he could collect the sense of the House, it appeared to him, that their Lordships concurred in the Motion for the second reading of the Bill, and he could not but congratulate the country upon the determination to which the House was likely to come in reference to this measure.

The Marquess of *Bute* was understood to support the Bill, on the ground, that he believed it to be calculated to benefit the honest and industrious classes, and to bring the gentry in nearer connexion and acquaintance with the wants of their fellow countrymen.

The Marquess of *Londonderry* said, he would vote for the Amendment of his noble and learned friend (Lord Wynford.) The noble Marquess read an extract from a letter of Mr. Cartwright, one of the Magistrates of Durham, which said, that, if the Lords passed the Bill, they would ruin themselves in the estimation of the country.

The Duke of *Cleveland* denied, that such were the opinions of the Magistracy generally in the county of Durham; at all events, he had received no intimation from them against this measure.

Earl *Manvers* would give his cordial and hearty support to the Bill.

The Duke of *Richmond* said, he would vote for this Bill because he was aware of the evils in his own county that had arisen from the mismanagement of the Poor-laws, and because he did not see proposed, and he could not himself propose, a better measure to meet such evils. He could not avoid, however, looking at the Bill with considerable alarm, and he thought, that some of the powers given by it were to be viewed with much jealousy and suspicion. He trusted, that regulations would be introduced to control the powers given to the Commissioners, or that, at all events, the Secretary of State for the Home Department would watch the exercise of those powers with a jealous eye. He should have the utmost confidence in his noble friend, now at the head of the Government, if he filled the office—that office, the duties of which he had so long discharged—as he knew his opinions on the subject; but without any disparagement of the noble Lord, now appointed to that office, he (the Duke of Richmond) felt considerable anxiety on this point. If an effort should be made to introduce the system all at once, and per force on the country, the worst effects might be produced. He trusted, that those in power, and whose duty it would be to watch over and superintend the conduct of the Commissioners, instead of consulting and acting upon the advice of any inexperienced young man, who, however well informed on other subjects, might be deficient in information as to the practical state, especially of the more remote parishes in country districts—he trusted, he said, instead of acting on such advice, the Government would take care that the system was introduced gradually, and according to the results of practical experience. He knew many parishes in the country where, if they attempted to carry the regulations of the Board into effect, a rebellion might be the consequence, or something a great deal worse than they had in 1830. He admitted, therefore, that he looked to the Bill with considerable anxiety, and he again trusted, that the Secretary of State for the Home Department would watch with peculiar care over the conduct of the Commissioners. He voted for the measure because he found no better proposed. He should wish, however, to see a clause introduced into it, authorizing the Commissioners to give power to the rate-payers, where a majority of them decided on it, to establish a Labour-rate. In the Committee he should probably propose a clause to that effect.

The Marquess of *Lansdown* merely rose to state, that nothing was further from the intention of Government, and nothing further from the object of the Bill, than to force this change upon any district of the country without full inquiry, and, in short, taking into consideration all the local circumstances connected with the place in question. With regard to the date referred to, when it was said, that this measure was to introduce a totally different system all at once, it was a great mistake to suppose, that the thing was to be done thus suddenly. What was intended by the fixing of that date was, that no change—not even in that worst abuse of the system, the allowance system—should take place until after that date. Until that allowance system was put an end to, it would be vain to attempt to raise the character of the people of England, or to restore amongst them those habits of industry and virtue for which they had been formerly so remarkable. The object of the measure was, to liberate industry in every part of the country. His Majesty's Ministers would, in Committee, be ready to listen to any Amendments that were not opposed to the great principle of the measure.

The *Lord Chancellor* replied.—In consequence of what had fallen from his noble friend (the Duke of Richmond) and some other noble Lords, he had been thinking, whether means might not be devised for increasing the responsibility of the Commissioners (a very desirable thing he was ready to admit), and he should probably suggest, in Committee, a clause founded on the principle of the clause inserted in the East-India Bill of last Session, requiring the Commissioners to keep a minute of all their proceedings, of all their discussions, of all their differences, &c., to be open at all times for the inspection of the Government, so that the Government would, in such case, have full means of seeing how matters were managed, and what were all the circumstances connected with it. With regard to this measure, he would say, that the experience of two centuries and a-half showed that they could not do without such a Bill. As to centralization, and the effect which was attributed to such a system, interfering with every man's business, the Poor-law system, especially as it had existed for the last thirty-five years, had, in a thousand times worse degree than any system of centralization, interfered with the business and pursuits of every man. The Poor-laws centralized the mischief and localized it also, so as to make it ten-thousand times worse than it ever would be under any system of centralization. He looked forward with the greatest confidence to the happiest results from this measure.

The House divided upon the original Motion: Contents 76; Not-Contents 13—Majority 63.

Bill read a second time.

List of the NOT-CONTENTS.

Abingdon, Lord
Alvanley, Lord
Beaufort, Duke of
Boston, Lord
Colchester, Lord
Combermere, Lord
Cumberland, Duke of
Kenyon, Lord
Londonderry, Marq. of
Newcastle, Duke of
Redesdale, Lord
Rolle, Lord
Wynford, Lord

HOUSE OF COMMONS,

Monday, July 21, 1834.

MINUTES.] Bills. Read a third time:—Roads Act Amendment (Ireland); Punishment of Death; Common Fields Exchange.—Read a second time:—Turnpike Acts' Continuance (Ireland).

Petitions presented. By Colonel L. HAY, and Mr. SINCLAIR, from three Places, against the Bankrupts (Scotland) Bill; from three other Places, for Support to the Church of Scotland.—By Mr. Alderman WOOD, from Petersfield, against the Trustees of the Churchers College, and for Inquiry into their Conduct; from two Metropolitan Parishes, in favour of the Hackney and Stage Coaches Bill.—By Mr. BERNARD, from two Places, against the Separation of Church and State.—By Mr. COBBETT, from three Places, for the Repeal of the Malt Tax; from several Places, for Vote by Ballot; from several Places in Ireland, against Tithes; from two Places, for a Reduction of Taxation; from the Handloom Weavers, Leigh, for a Board of Trade; from Pitmen of the Tyne and Wear, for Repealing the Export Duty on Coal; from the Coal Men on the River Clyde, against the Tonnage of Vessels' Bill; from two Places, against the Poor-Law Amendment Bill; from East Ham, against Burial Fees; from an Association at Manchester, for Liberating John Cleaver, in Prison for vending Knowledge at a cheap rate.—By the same, and Mr. GILLON, from several Places,—for the Separation of Church and State.—By Sir ANDREW AGNEW, and Mr. A. JOHNSTONE, from a Number of Places, for the Better Observance of the Sabbath.—By Mr. HAWES, from Battersea, against the Common Lands Inclosure Bill.—By Mr. CHILDERS, from two Places, for placing all Venders of Beer on the same footing.—By Mr. B. BARING, from Penn, in favour of the Sale of Beer Act Amendment Bill; from a Number of Places, in Support of the Church of England.—By Colonel PERCEVAL, from several Places, for Support to the Church of Ireland.—By Mr. A. JOHNSTONE, from Greenock and the Synod of Galloway, for a Better System of Church Patronage in Scotland; from the Synod of Glasgow and Ayr, for the Repeal of an Act relative to the Building of Churches.—By the Marquess of CHANDOS, from three Places, against the University Admission Bill; from a Number of Places, for Relief to the Agricultural Interest.—By Mr. BRISCOE, from Staines, against Prize-fighting.—By Mr. COBBETT, from Leven, for appropriating Church Property to Civil Purposes.—By the same, and Mr. GILLON, from Stratford-upon-Avon, and Biggar, for Relief to the Dissenters.—By Mr. GOULBURN, from a Number of Places, for Protection to the Church of England.

SEPARATION OF CHURCH AND STATE.] Mr. *Gillon* presented a number of Petitions, praying for a separation of Church and State. The first was from Lanark; the next was from the Royal Burgh of Hamilton, signed by 2,111 persons, which he had the honour to represent; and the others were from Paisley, signed by 5,100, Criff, Alyth, Leven, Dysart, Montrose, Kibbarchan, Biggar, and Dunning. These petitions, observed the hon. Gentleman, bore the signatures of upwards of 10,000 individuals. He felt assured, that the Dissenters would continue, as they had done to-day, to urge, in a calm and constitutional, but in a firm and determined manner, their claim to relief from the most practical of all grievances—the domination of a favoured sect—and also would continue to urge the great truth, that the

Church has neither a necessary nor a beneficial connexion with the State, and that while that connexion shall subsist, dissension and enmity will continue to disgrace the Christian world. Ample proof of these miserable effects was afforded in the state of a sister country, where there existed a Church in which the hierarchy and the ecclesiastical functionaries were richly provided for, but the people for whose instruction and advantage, as it humbly appeared to him that the Church was designed, were forgotten. Would any man venture to say, that the scenes of blood and devastation which that Church had engendered, were not a disgrace to a Christian people? He regretted the decision come to by that House, that the fitting time to alter and amend the appropriation of the revenues of that Church had not yet arrived, and that much time was being lost by the investigation of a commission into a subject already but too well known. Let but a different appropriation of the overgrown revenues of the Church of Ireland be sanctioned, and, he believed, it would do more to tranquillize that unhappy country than all the Peace-preservation Acts that House might pass. The House had a goodly specimen of the Christian spirit that animated some of the high supporters of that Church, in their regret that there was not now to be enough of tyranny extended to Ireland. Any partial legislation on this subject, any more diminution of the revenues of that pampered establishment, laid, as it appeared to him, but the foundation of future change; it was only by recurring to the original formation of the Christian Church, to the just principles of a voluntary support of the great truths of inspired religion, that anomalies in legislation would terminate, and dissentions among Christians be at an end. He trusted a more liberal spirit would animate the councils of the present Administration than had actuated those of their predecessors, and that they would set in good earnest about the remedying of abuses. He felt convinced, that the voluntary Churchmen never would descend from the high ground which they had taken up, but continue perseveringly to urge the truth of the great doctrines which they advocated, and patiently wait until the reason and the justice of their case should triumph over the intolerance which might be opposed to them; and the public mind was fully prepared for so great and so important a change. But, forsooth, the "No-Popery" cry was to be got up, and the isle was to be frightened from its propriety, as if Protestantism were in danger. If Protestantism had nothing to depend on but the temporalities of the Church, the loaves and fishes to be divided among the Churchmen; if she had no more lasting and sound basis, she might, indeed, be said to be in danger. Such a cry might well suit the gowned devotees in the walks of their cloister—it might scare some of the owls in the darkness of their anticipated retreats; but its promoters would find it signally fail with the community, in an age of knowledge and information like this. Let him once more deny, in the most explicit terms, the base calumnies thrown out elsewhere, and repeated in that House, that those who defended the voluntary principle were actuated by a desire of acquiring plunder for themselves. Such a doctrine was universally and unequivocally disavowed. The spoliators were the Church itself, which had laid violent hands on the property of the Roman Catholic Church, and in appropriating to their own use the tithes and other Church property, had utterly disregarded the claims which the poor undoubtedly possessed to a share in those revenues. The voluntary Churchmen regarded the property so received of the Church, as national property, available for purposes of general utility, as Parliament might determine—they denied the right of one favoured sect to appropriate it to uses exclusively their own.

Mr. *Sinclair* must protest against the assertion, that the doctrine contained in the petitions was the opinion of the majority of the people of Scotland. There were many Dissenters in that country who were adverse to the separation of Church and State.

Petitions laid on the Table.

MILITARY FLOGGING — CASE OF HUTCHINSON.] Mr. *Tennyson* held in his hand a petition of very great importance; it was upon a subject which had seriously occupied the attention of the public for several days. The facts to which he was about to call the attention of the House were all detailed in the petition; he should state these facts to the House, not that he knew them to be true of his own personal knowledge, but to afford the right hon. Secretary at War, an opportunity of stating to the House what were the true circumstances of the case. If the statements contained in the petition were true, it would become the duty of the House to take steps to put an immediate end to this most terrific, degrading, horrible, and disgraceful punishment by some legislative act; or, at least, if the House should deem it right that this punishment should continue to disgrace the country, to obtain a solemn assurance from the Government, that it should be administered with some discretion, and with a decent regard to the feelings of humanity. The petition proceeded from some of the most respectable of his constituents, and contained, among others, the signature of a clergyman of the highest character and worth among the parishioners. It complained, that J. Hutchinson, a private in the 1st battalion of the Scotch Fusileer Guards, was most cruelly and barbarously flogged at St. George's Barracks, Charing-cross, upon a charge of being drunk on sentry, and attempting to strike his sergeant when in confinement. The court sentenced him to 300 lashes, and 300 lashes were actually administered. What he complained of was, that after the pledge given by his right hon. friend, that the severity of the punishment of flogging should not be resorted to except in extreme cases, the greatest punishment should be inflicted for a comparatively insignificant offence. The hon. Member proceeded to read the petition, which stated, that the cries of the unfortunate man for mercy were of the most heart-rending and agonizing description, and that several of his fellow-soldiers fainted away, being unable to witness so horrible a scene. For the honour of the British army, he could also state, that two officers were equally overcome, and were compelled to quit such a dreadful spectacle. The petitioners prayed the House to inquire into the facts contained in the petition, with a view to the abolition of this practice, as a disgrace to the service, and an outrage to the feelings of society.

Mr. *Hawes* bore testimony to the high character and worth of the clergyman who signed the petition.

Mr. *Ellice* would not attempt to say one word in reference to the motives which had induced the petitioners to come forward and represent the case to the House. It did not surprise him that the reverend gentleman who had given his signature to the petition should have been the foremost to express his regret at such an occurrence. Such cases were undoubtedly extremely painful, but it was much to be deplored that when a case of this kind did arise—a case which he was sure had been justified in the opinion of the military authorities, who were responsible for all that had taken place—the complaint should be brought forward in that House. As far as his own opinion on the subject went, he confessed himself an advocate for restraining the practice of flogging in the army within the narrowest possible limits, consistent with the discipline and subordination of the army. With respect to the present case, it certainly came within the order of last year, which restricted the limits of corporal punishment. The charge against this man was for being drunk when a picket sentry on canteen. Now, a soldier was placed as picket sentry on canteen for the purpose of preventing those improper scenes that frequently took place there; it was a situation of peculiar importance, and one in which he was called upon to conduct himself in the strictest accordance with military discipline. In this situation the man was found drunk; and if he were to admit drunkenness as an excuse for all the crimes that were committed under its influence, the Government would have a most difficult duty to perform to restrain the outrages which occurred. The individual in question was guilty of frequently quitting his post and getting drunk, and though it had not been stated to him, that the man was drunk at this time, yet his language was most mutinous towards the sergeant who arrested him. He also threatened to strike the sergeant, and used expressions which were not fit to be repeated, but which amounted to mutiny. He was willing to admit, that if this was the first offence the man had committed, the sentence would have been undoubtedly a very severe one, but within two very short periods Hutchinson had been guilty of making away with his clothes and other regimental necessaries, and of using mutinous language towards the non-commissioned officer, when he had the opportunity of making drunkenness an excuse for his conduct. He was a person of notoriously bad character, had been several times punished for former offences, and the sentence passed upon him was an affirmation of the finding of a Court-martial. With regard to the facts detailed in the petition, not one of them had come to his knowledge. He did not say they were untrue, or that they were correct; he only observed that they had not come to his knowledge. Then, with regard to the infliction of the punishment, under the circumstances of the case, he was certainly of opinion, that if the facts stated by the hon. Member were true,—if some of the officers and several men fainted away at their posts on witnessing the infliction of punishment, —these were circumstances that ought to have induced the commanding officer to consider how far it was proper to proceed in the execution of the whole of the sentence. He had no doubt it would so happen, that some persons of particularly sensitive feelings would have shown themselves strongly affected on the occasion; and, he felt convinced, that he himself should have been deeply affected if he had been present. When it was stated, however, that several soldiers had fainted away, he believed that would turn out to be incorrect; but if those statements should turn out to be true, it fully warranted the warmth of language adopted in the petition. The object of the punishment was, to strike terror into others by the example. He was afraid that those individuals who gave way to their private feelings on these occasions were not always the most correct Judges, and when the Legislature had intrusted the military authorities with the power to punish in all such cases, for the maintenance of that discipline which was necessary for the safety of the country, and held them responsible for the just administration of that power, it was too much to bring every case that occurred of its exercise under the cognizance of that House, and to censure military officers on no better authority than the facts contained in the petition. He would tell the House that they were coming to a pass in military discipline which would require their most sober and serious attention. It was impossible the law could remain as it stood at present; the power in the hands of the chiefs of the army had been so diminished by the continual check of public interference, that the increase of crime had taken a most frightful march. In the last two years, one-fifth of the whole army on English stations had passed through the public gaols. Cases of violent insubordination and outrage were increasing beyond precedent, and therefore he entreated the House, however severe they might consider the infliction of the law, to pause before they interposed between the soldier and his superior, for, under such circumstances, some strong power was necessary to maintain discipline and subordination among men who had arms constantly in their hands. Beyond this statement, it was his duty to observe, as some justification of the military authorities, that the insubordination, which had greatly increased of late, had induced them to be more severe in the execution of the existing laws. He thought, before the House proceeded to condemn others who had a painful duty to perform, it would do well to reflect on the consequences that might result from the want of care and caution in the maintenance of discipline. It was but a fortnight ago, that a private shot a sergeant on parade at Chatham, for which he had been conveyed to Maidstone, and would shortly take his trial. As the facts were not disputed, the House must dread, that a frightful extent of insubordination would speedily prevail, if discipline were not strenuously enforced. And yet, since that period, a report had been made to him of another soldier who had been taken up while loading his gun with an intention of committing the same offence. He did not state these circumstances to defend all the practices which prevailed in the army at present, but to show that it was absolutely necessary the power of punishment in the army should be maintained. He had been looking back on the floggings which had taken place in the army, and no case came under his notice without the most acute pain. He had the satisfaction however to find, that for a period of thirty years not a single military execution had taken place. Not a single soldier had been shot for an offence against military law during the whole of that period. Let the House take great care how it interfered with that state of things which would render it necessary for the ultimate course of law to be resorted to. What was it supposed would be the consequence of a soldier being brought out for military execution, when such feelings were entertained by the people on the subject of capital punishments? The whole subject had arrived at such a stage, that he felt it quite impossible it could stop where it was. It was therefore his intention to recommend his Majesty to issue a commission, composed of a few persons of great experience, and well acquainted with our military laws, to inquire into the state of the present code, and also into the nature of other military codes, and to embody the whole into a system. He trusted, in the interval between the present and the next Session, he should succeed in obtaining his Majesty's consent to it. The feelings which had induced his right hon. friend to bring this subject before the House were entitled, he readily admitted, to the greatest respect; but he thought, that his right hon. friend had said quite enough to impress on his mind the necessity of paying the greatest attention to the military authorities; though he must add that consistently with the great responsibility which weighed on them of maintaining the discipline of the army, they were not desirous of preserving the system of flogging. It should be remembered that the habits of the people generally were opposed to rigid subordination, which made it the more necessary to maintain a strict discipline among those who had arms in their hands. He hoped that his right hon. friend would believe that in his answer he had stated nothing incompatible with their former agreement on this subject, for he could assure his right hon. friend, that the Government was anxious to limit punishment of all kinds as much as possible, and, was, he could assure his right hon. friend, not deaf to the voice of public opinion on this great and important question. He hoped the House, after this explanation, would see the propriety of not continuing the discussion until the whole facts of the case were before them, and inasmuch as it was very difficult to restrain the public opinion, nothing should be said to inflame it.

Mr. *Ewart* was convinced, that other punishments might be found which would be efficient substitutes for flogging, and he trusted that the practice would be abolished.

Colonel *Evans* was opposed to military flogging. He was of opinion, it defeated the very object it had in view. It was well known in the army, that a repetition of the punishment had no effect upon the offender, when once he had become lost to a sense of shame. There was one great difficulty in effecting the object the right hon. Gentleman had in view. He must necessarily attend to the opinion of officers in the army, and however great their experience might be, and however wise and humane their intentions, they would be very reluctant to give up the opinions they had so long entertained, or to alter a system in which they had been brought up. He would not recommend the appointment of a Commission such as the right hon. Gentleman had proposed: but if it should be appointed, he would earnestly advise him, that it should not be exclusively composed of military men, but that there should be some few persons among them who had turned their attention to legislation generally. In his opinion, the only way to remove violation of the military laws was to improve the condition of the soldiery, and that could only be done by abolishing the practice altogether. In time of war, the alteration would be attended with danger, but it might now be tried with safety.

Mr. *Feargus O'Connor* trusted, that the right hon. member for Lambeth would not give up the further consideration of the question in consequence of what had fallen from the right hon. Secretary. He had read the account of the sufferings of this poor man, and he thought a more horrible a more appalling account, had never been published. He believed the feelings of the whole country were shocked with the occurrence, and that an investigation was loudly called for. He did not agree with the right hon. Secretary of War, that this was the way to maintain the discipline of the army, which would be better preserved by a remission of the horrible practice.

The debate was adjourned.

COLCHESTER ELECTION — ALLEGED BREACH OF PRIVILEGE.] Mr. O'Connell brought up a Report of the Committee appointed to consider the circumstances of Mr. Daniel Whittle Harvey's exclusion from one of the inns of court, which was read as follows:

> The Select Committee appointed to inquire into all the circumstances attending the rejection of the claim by Daniel Whittle Harvey, Esq., to be called to the Bar, and to report their opinion thereupon to the House, and who were empowered to report from time to time to the House, have agreed to the following Report:—
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> In the course of the examination of the right hon. Lord Western, the following evidence was given, which, though not immediately connected with the investigation in

which the Committee is engaged, they feel it their duty to bring to the knowledge of the House without delay:—

Did you not yourself write to Mr. Ellice, calling upon him, as an officer connected with the Treasury, to send down a sum of money for the purpose of carrying on Mr. Harvey's election at Colchester?—No, I wrote for it to carry on Mr. Mayhew's election at Colchester.

Do you mean to say, the letter was not written to support Mr. Mayhew and Mr. Harvey jointly?—Yes; it is my firm belief it was not to support them jointly; it was the furthest from my thoughts to have done so; it was to support Mr. Mayhew.

Your belief is strong to establish in your mind the distinction?—Yes.

Now, in point of fact, was any money sent from the Treasury to Colchester in consequence of your letter?—Yes, I understood there was.

Can you state who the parties were who shared the money?—No, I cannot state who the parties were that shared that money; but I understood, from yourself, I think, that there was a dispute about it, and an egregious dispute, and my recollection certainly is, that it was sent for Mr. Mayhew; I think he had three contests within a short time.

By the Committee.—How much was the money, do you know?—I think it was 500*l.*

Did Mr. Mayhew and Mr. Harvey stand on the same interest?—Yes, I believe they did stand on the same interest; but they were most violently hostile to each other, as I understood.

By Mr. Harvey.—Who were hostile?—Mr. Mayhew and Mr. Harvey; that is my impression.

Does your Lordship know that Mr. George Saville, of Colchester, was, at the time we have been speaking of, the treasurer of a common fund to secure the return of Mr. Mayhew and Mr. Harvey?—No, I did not know that; you are asking me as to matters which I say are irrelevant; my desire was, that money should be deposited in Mr. George Saville's hands.

Did Mr. George Saville receive a sum of money, in point of fact, at your instance?—I believe so.

I ask you whether, if it shall appear that the sum of money which, through your influence, was obtained from the Treasury, was obtained in aid of my election at Colchester; that is consistent with your present answer?—I tell you I did not get it for your support; I did it for the support of Mr. Mayhew.

You were understood to say that, when you wrote to the Treasury to counsel money being sent down to promote the cause of reform, yours was a distinct application on behalf of Mr. Mayhew to Mr. Harvey's exclusion?—Not to his exclusion, but my application was for Mr. Mayhew.

As distinct from Mr. Harvey?—I did not say to Mr. Harvey's exclusion; but on Mr. Mayhew's account it was that I made the application, and not on Mr. Harvey's.

By the Committee.—Did your Lordship, at the election, exert yourself on public political grounds, to assist in procuring the return of Mr. Harvey as well as the other Gentleman, he being a reform candidate?—No, I did not; the great battle was for Mr. Mayhew; he was the person in danger.

He was not returned?—Yes, he was.

And for that purpose the 500*l.* was advanced by the Secretary of the Treasury for the purposes of the election?—Yes.

After a short conversation as to the mode of proceeding, it was understood, that Mr. O'Connell was to make a Motion on the subject whenever Mr. Ellice should be in the House. The Report was ordered to be laid on the Table.

SUPPRESSION OF DISTURBANCES—(IRELAND).] Lord Althorp moved, that the Order of the Day for the second reading of the Suppression of Disturbances (Ireland) Bill, be read.

Mr. *Poulett Scrope* said, he would not trouble the House with any observations on the present occasion, if any hon. Gentleman during preceding debates had happened to take the same view of the subject with himself; but, as this had not been the case, and feeling, as he did, that Parliament ought not to legislate for the suppression of local disturbances in Ireland, without fully inquiring into the peculiar state of society in that country, which created those disturbances, he should beg to offer a few words. It had been said, that agrarian outrage was intimately connected with political agitation; but when it was considered, that the character of the outrages had been the same for the last fifty or sixty years, he thought, the more correct conclusion would be, that they proceeded from want of sufficient work, of sufficient wages, and sufficient protection to the Irish peasant. The insurrectionary spirit which prevailed now, did not differ from that which had prevailed for the last sixty years. It sprung from the same feeling, and was signalized by the same outrages. The offences of the present day were exactly like the White Boy offences immediately after 1750. The Reports made by Committees of the House confirmed his view. He would refer to the Report of the Committee of 1832, which stated, that the chief cause of disturbance in Ireland was the removal of tenants from their farms.

He added, by the way, that he could not agree in the eulogium that had been pronounced upon that Report, for he saw, in every line of it, the finger of the Irish landlord. He believed that the real cause of the agrarian disturbances of Ireland was to be found in the competition of a starving peasantry for the possession of land, through which alone they could be certain of obtaining the means to support existence. The hon. Member quoted the Report of the Committee at considerable length, to show, that all these disturbances had originated in struggles for the possession of land. The hon. Member also quoted a letter from Dr. M'Hale, in which there was a melancholy account of the number of families which had been ejected in a district with which he was familiarly acquainted; and further, to show the frequency, he cited the statement of Mr. M'Guise of 174 families being ejected, from the Report of a Committee in 1831. In Ireland they had no Poor-laws, few manufactures, and not sufficient agricultural employment for the population; the possession of land accordingly was essential to the existence of the Irish peasant. He complained that the law of Ireland, which was always too severe, had given additional facilities of late to the ejection of tenants. In proof of this position he cited the authority of Dr. Doyle, and he maintained that the object of Whitefeet combinations was similar in practical effect to that of combinations in general—it was to protect the many against the tyranny of the few. A noble Lord had lately said, that no Government which did not grant protection to its subjects was entitled to their allegiance. Now, he asked if the Irish peasant was protected? No; he was neither protected against ejectment nor starvation, which was the consequence of ejectment. He was not protected against the mission of an absentee landlord, which practically amounted to a mandate of death, to the unhappy tenant, the landlord by his wholesale murders, taking away life, by taking the only means by which it could be supported. It was therefore because the peasantry were left without protection that they combined against the law, and shewed no more scruple at shedding blood in open day, than did the soldier in the hour of battle. They looked upon such acts as the sentences of the self-appointed tribunals to which their allegiance was due. Let the noble Lord fancy himself for one moment in the condition of an ejected tenant—let him divest himself of the recollection of the happy home and the unnumbered comforts and luxuries with which he was surrounded, and, above all, the sense of freedom, giving a zest to them,—let him fancy himself in the situation of an Irish cottier tenant, who having striven assiduously to support himself by cultivating the few acres of ground which he had been fortunate enough to obtain possession of, at length, fell into arrear in the payment of his rent. His landlord came down with a distress warrant, seized his furniture, and his crops in the ground, and served a process of ejectment on him—he could not resist, for the law gave a cheap and summary power of ejectment. He would remind the House of the heart-rending picture given by Dr. Doyle of the condition of the ejected tenantry in Ireland, who resorted to hovels in the outskirts of towns, and there awaited in famine the diseases which want engendered. Dr. Doyle said that they died in a little time; and he spoke of a case in which thirty families were crowded into one small cabin in the neighbourhood in which he resided, and of which at the end of twelve months only ten were left! But did they all die? No; the feeble and impatient sunk under the weight of the oppression; but the able and energetic men, were not so easily got rid of—they survived, and became desperate and active members of the Whitefeet combination. The miseries which they had suffered induced others to combine together and form tribunals, which, by inspiring terror, prevented ejectments. That system was effectual, —it protected the peasantry, and would continue in force—more or less occasionally lulled by Coercion Acts—until the law of the land superseded these tribunals by providing for the tenant. Could that statement be contradicted? Could it be denied, that the Whitefoot system was a real and practical check on the ejectment system? If this were the cause of the disturbances which had so long continued to prevail through Ireland, it was in vain to hope to put them down by Acts of this description. Would more coercion, further Insurrectionary Acts, and more unconstitutional powers effect that object? No; they had been tried, and had failed. There was one simple means of putting an end to these disturbances,—do justice to the Irish tenant—give that protection to his life which was lavished on the property of the landlord, and he ventured to declare that further outrages would not be heard of in Ireland. How was that to be done? In the way in which it was done in England. Who could be ignorant that the state of England, before the passing of the Poor-laws was the same as that now existing in Ireland—that the condition of the two countries might be described in the same words, and that the statements made by Hollinshed and others before the passing of that law, were equally applicable now to Ireland? Robbery, insurrection, murder, and outrages of violence were then common; in the county of Somerset alone, there were sixty executions in one year, and in the whole of England no less than 2,000. The measure applied by the Legislature to remedy this evil completely succeeded; why should not the same success ensue from passing a similar measure for Ireland? Was not such a measure called for, not merely in justice to the population of Ireland, but in justice to the population of England? Did not all classes in England suffer from the want of Poor-laws in Ireland, paying a large proportion of their Poor-rates for the maintenance of the Irish poor? Look at the condition of the farmer in England; after having paid a high rate of wages, and a large amount of Poor-rates, he was met in his own markets by persons who paid no Poor-rate, and the produce of whose land paid merely the labour expended on it, at the rate of only 4*d*. or 6*d*. a-day. The operation of the Poor-laws effectually prevented the English landlord from exacting as the Irish landlord did such a sum for land as would leave the tenant merely a bare subsistence; so that, when an unfavourable season came he was compelled to feed upon the weeds of the earth and the sea to avoid actual starvation. He could not reconcile it to his conscience, to vote for a measure for coercing the peasantry of Ireland, without making some attempt to ameliorate their condition. He felt it to be his duty, therefore, holding the opinions which he did, to submit a Resolution to the House, which propounded in moderate language what might be considered a truism, though it had never been acted on in Irish legislation. The Resolution was as follows; and he moved it as an Amendment to the original Motion:—"That in order to secure life and property in Ireland, to remove all pretext for criminal outrages, and to give effect to whatever measures of severity may be enacted for their suppression, it is expedient that the population of that country be assured of the means of supporting life by peaceful and honest industry; and this House will, at the earliest opportunity, turn its attention to some measure for securing this desirable end."

Mr. *Feargus O'Connor* had great pleasure in seconding the Amendment proposed by his hon. friend, and he could not do so without, as an Irish member, returning his thanks for the very able manner in which the hon. Member had brought the subject forward. Indeed, he was astonished how the hon. Member, in so short a time, had amassed such a heap of conclusive evidence. The hon. Member had shown—he had at least asserted—and he (Mr. O'Connor) coincided in the assertion—that the outrages which existed in Ireland arose, in a great measure, from the competition for land. The statement of his hon. friend was fully borne out by the right hon. Gentleman opposite (the master of the Mint) (Mr. Abercrombie) in a very able speech which he made the other evening upon the State of Ireland; and he now asked that right hon. Gentleman could he refuse to agree to the Amendment? In Ireland, the most disgraceful means were frequently resorted to in ejecting the tenants from their farms; and the landlord was frequently actuated by the most disgraceful motive. When a tenant became possessed of a farm, if he, by the expenditure of labour and capital improved it, that moment the landlord fixed upon it a jealous eye; and the result generally was, that the occupier was turned out, that the landlord might obtain an additional fine, the price of the tenant's improvement. Ireland had nothing to look to but agriculture; and it was not, therefore, to be wondered at, if outrage was so generally and so intimately connected with it. No doubt, after the conclusion of the hon. Member's speech, proposing, as it did, specifically to pledge the House to relief, no doubt the noble Lord or the right hon. Gentleman opposite would take refuge behind the Commission at present in Ireland. But as yet there was no Report from that Commission; and was it too much to give, at least, a promise of relief, to a people three-fourths of whom were in poverty while this commission was slowly wandering over the country? He could himself say, that he had seen one hundred families turned out, as his hon. friend had described, houseless upon the world. If that House could not be influenced by any feeling of humanity, he would appeal to their interests, to grant to Ireland a measure of relief such as that contemplated by his hon. friend. The hon. member for Oldham, when this question was formerly under discussion, showed distinctly that England, where a good system of Poor-laws existed, was comparatively prosperous; that Scotland, with a worse system, was better off than Ireland; and that the last country was wretched, because it had no system of Poor-laws at all. English landlords could not act like their brethren in Ireland. They did not drive their tenants out of their farms to make way for others, who would give them a few pounds more. And why did they not do so? Because they knew, that if they impoverished their tenantry, the burthen of supporting them must fall upon them by means of the poor-rate. The wise and humane system of Poor-laws which existed in England made it the interest of the landlords to maintain the population around them in a happy and comfortable state. The public institutions of England, from Greenwich Hospital to the meanest almshouse, were based no less on policy than humanity.

Mr. *Littleton* said, that as the Amendment had been submitted without any notice, he should not, he thought, be acting fairly towards the House if he were to enter into any discussion respecting it. He regretted that any language had been used which might by possibility be construed into an extenuation of the dreadful atrocities which unhappily were committed in Ireland. The hon. Member argued as if the Whiteboy parties were generally composed of ejected tenants; but, as far as his (Mr. Littleton's) knowledge extended, that description of persons had very little to do with them; in fact, they were for the most part formed of farmers' servants. He once more protested against the course which the hon. Member had pursued in bringing such an important subject before the House prematurely. The Commissioners were prosecuting their inquiries in Ireland, and their Report would be prepared before the next Session.

Mr. *William Roche:* Sir, not having had an opportunity of expressing my sentiments on this Bill during its introductory debate, and apprehensive of not being able to stay in town to the conclusion of its progress, permit me to offer a few remarks, considering it, as I do, a measure upon which my constituents and country are entitled to the opinion of their Representatives. I very much coincide in a great portion of what has fallen from the hon. member for Stroud, and from my hon. friend the member for Cork, who have just preceded me, I mean as regards employment and protection for the poor in Ireland; but before I apply myself to that interesting branch of the subject, I shall take the liberty of troubling the House with a few observations on the original and present character of the Bill now before us. When, a short time back, it was expected down from the other House of Parliament, I was amongst those who characterized it, in its then most obnoxious shape, as an unjustifiable and unwarrantable infraction of one of the most essential principles of the Constitution, and one of the most beneficial privileges of the people, "that of freely discussing and meeting to discuss the tenor and tendency of public measures and affairs"—a privilege, Sir, that combines, in a land of freedom, various indispensable advantages, constituting as it does a powerful safeguard of our public rights, exercising a salutary control over the conduct of our public men, affording a valuable opportunity for ascertaining public opinion on passing events, and not unfrequently of thereby correcting our own; and finally presenting a most useful outlet or safety-valve to the fervour of public feeling in moments of public anxiety. These, Sir, are advantages and safeguards which nothing short of the direst necessity would justify the slightest interference with. Sir, I then also designated it as indicating a peculiar and uncalled for disregard of the liberties and feelings of the people of Ireland, because I was of opinion that, under the same circumstances, no such restraint would be interposed to public discussion or complaint in this country—utterly uncalled for, Sir, I assert; for whatever cause or causes may be supposed to have existed when this Bill was originated in the last year, not the slightest has existed or occurred since, not even the shadow of a shade to call for or justify such restraint on public discussion, and it would now, therefore, be justly considered a purely gratuitous assumption of wanton and arbitrary power. Indeed, Sir, you would be as much warranted in extending this restriction on discussion over the whole of the country as continuing it for the next year, for you would be equally legislating not on facts, but upon bare possibilities or anticipations, imitating, I may say, the "master," who is stated to have punished his servants not because they were then transgressing, but lest, perchance, they might futurely do so. But, Sir, as regards the other branch of the subject—agrarian outrages—I shall say, that whatever means be indispensably necessary and discreetly adviseable to suppress outrage and more especially nocturnal outrage, I would not be disposed to withhold, and I would be so disposed as much, or rather vastly more, for the sake and protection of the humble, but honest, peaceable, and industrious, who are so much more exposed to the violence and envy of the vicious of their own class, than the higher orders who necessarily possess various and superior means of prevention and defence. Residing, Sir, as I do in a city, I experience the comfort of retiring to rest with the consciousness, as far as regards external outrage, that I am protected from harm or disturbance, and that comfort and consciousness I would be anxious to procure, as far as practicable, for rural as well as municipal districts. Indeed, in this respect, I would be glad to see some proper plan devised calculated to enable the well-disposed to maintain, or co-operate in maintaining, the peace of their respective neighbourhoods, for, Sir, by calling the well-disposed to our aid and uniting all those interested in tranquillity, the vicious would soon discover, that they miscalculated in preferring turbulence to tranquillity, or mischief to industry. Tranquillity and prosperity are ever associated together, at least prosperity cannot exist without tranquillity, and the protection of person, property, and industry, constitutes the very elementary principles of civilised society. With these sentiments, Sir, I would be far very far from conceiving and co-operating, as I have so often done, with my hon. and learned friend, the member for Dublin, were I not convinced that he was as anxious or rather more truly anxious, than the loudest declaimers for the tranquillity, the perfect, the permanent tranquillity of Ireland, a wish, I know, to be interwoven with every sentiment of his soul and every effort of his powerful understanding. But, Sir, he would endeavour to obtain that blessing, not through the exasperating and transitory impressions of fear and coercion, but through the more lasting and useful influences of kindness, justice, and consequent contentment. Sir, these sentiments must be the result of pure and unbiassed conviction, for I never asked nor never had occasion to ask, my hon. friend for any favour either personal or political. But, Sir, all our endeavours and devices must fail of their full effect unless we reach the root of the evil, unless we take away all just grounds of complaint, unless we correct the many causes of wide-spread poverty, want of employment, and consequent misery which pervades Ireland. Until then, Sir, we ourselves will be the primary offenders, nor can we expect that the poorer classes will escape the mischiefs of idleness and want, until we substitute in their stead the means and inducements of honest and steady occupation. As regards Poor-laws, Sir, or call them by any less obnoxious name, I fear that without some judicious system of that kind we shall not be enabled to extend to the mass of the people comprehensive or permanent protection, for I do not see how else we can counteract the evils of absenteeism, or back rents, or those desolating clearances of estates which, whether they have occurred to a greater or lesser extent, have been productive of deplorable consequences. What, Sir, I mean by "Poor-laws," is employment for those that are able to work, and protection to those that are incapacitated from doing so. Scarcely any one, Sir, is more to be pitied than the poor man who is able and willing to earn his bread, and yet, without any fault of his own, cannot obtain opportunity. I therefore trust, Sir, that this subject will be taken up in the next Session, at all events, with due spirit and maturely. Sir, I shall conclude by entreating that, when you legislate for Ireland, you reflect whether you would under similar circumstances legislate in the same tone and tendency for England, and that if you desire to reconcile Ireland to British connexion, you will grant her a full and cordial share of British freedom.

Mr. *Thomas Attwood* said, no honest man could oppose the Motion. The want of labour was the cause of the miseries of Ireland. If men had no assurance of being relieved by labour they should not be bound by the laws of the land. He was opposed to the Coercion Bill, and he was sure that the noble Lord opposite also disliked it; if he did not, then he had not the same heart in his body that he had twenty years ago. The Coercion Bill did not check predial outrage: it was as bad as ever. There was no use in passing such a Bill. He read of a horrible case of predial outrage which occurred the other day. Thirty men were killed and drowned in the presence of the soldiers and police. He also read of three persons, while in the hands of the police, having been rescued and killed. [Mr. *O'Connell*: The report was not true.] He was glad to hear it. If the noble Lord opposed the present Motion, he should hope to see him before long reduced to the same pinching poverty as the poor. When the people asked for bread, the Government gave them a stone and a serpent.

Mr. *O'Connell* could not let the Motion pass without saying a very few words. He would, however, trouble the House for only a very few minutes, especially as he should feel it his duty to address it at some length on the question, that the Bill be read a second time, in respect of the clauses which he thought ought to be omitted. He was anxious to see the present Amendment withdrawn, and the more so because it had taken the House unawares, and embraced a great principle which required the most deliberate discussion. He was really astonished at the ignorance displayed by some hon. Members as to the state of Ireland. His hon. friend (the member for Birmingham) had spoken of a lamentable feud lately fought in Kerry, and had treated that as resulting from agitation. It had nothing to do with agitation or predial disturbance. The parties fought for no other reason than that they had different names and liked fighting. It was a deplorable state of things; it could be removed only by a general amelioration of the condition of the country. He must say, too, that he regretted deeply that the language used by some hon. Members might be deemed palliative of the offence of Whiteboyism. That was most unfortunate. He had ever been most cautious to avoid uttering a syllable which could have such an effect. He had been engaged in the defence of more men accused of Whiteboyism than perhaps any other Counsel; and yet he had never, to the least extent, defended one on the plea that for the offence there could be any excuse. The fact was, that the crime injured the class guilty of it more than any other. For a time it injured and distressed the landlord; but it likewise injured the humble peasant, and ultimately it brought upon him greatly-increased sufferings and oppressions. The county of Clare had been a prey for a year and a half to that description of insurgents. There were nine murders, and only one of the parties murdered was a gentleman, all the rest of the victims being of the same class as the murderers. Again, there were twenty-seven resident clergymen, and only one of those clergymen suffered any personal injury. And that case was worthy of notice. The son of that clergyman collected tithes in the name of his father, and, putting them in his own pocket, the father demanded repayment. The injured tenants struck the father eight or ten blows, and compelled him to furnish receipts to those who had paid their tithes.

Colonel *Evans* expressed his astonishment at the cursory way in which the subject involved in the Amendment had been treated by the Secretary for Ireland. It was perfectly true, that no formal notice of bringing it forward had been given, but the House had a right to expect that a gentleman filling the position held by the right hon. Gentleman would at all times be prepared to go a little more into a matter so deeply interesting to Ireland. He felt grateful to the hon. member for Stroud for calling the attention of the House specifically to the subject, and he thought that some pledge should be given by the Government that it should receive particular notice and be fully inquired into.

Lord *Althorp* said, undoubtedly the question involved in the present Motion was one of the greatest possible importance; and therefore in ordinary circumstances it would require very full and ample discussion. But there were two reasons why it should not be now entertained. In the first place, the House had been taken by surprise, as had already been noticed; and in the second place, so far from the subject not being under the consideration of Government, an inquiry had already been instituted, and when the result came before the House, they would be much more able satisfactorily to discuss the question. This was a subject, hon. Gentlemen must be aware, on which those who were avowedly most friendly to Ireland, most materially differed in opinion. It was not, to be sure, a mere question of inquiry; but it was most desirable to have the real state of the Irish population fairly ascertained and submitted to them, before they could judge whether the adoption of Poor-laws would have the effect of benefiting them, or whether it would have the directly reverse effect. No doubt the Irish population were in a state of very great distress, and it was the imperative duty of the Legislature to adopt every means in their power which they thought could have the effect of alleviating or removing their distress; but until the report on the state of the poor had been presented, it would be premature to discuss the general question. The hon. member for Birmingham had insisted that every man in Ireland was legally entitled to, and should have support. He (Lord Althorp) was only anxious to know how that most desirable object could be attained. But he had expected, when the hon. Member had said that every man in Ireland had a right to bread, that the hon. Member would have added, that every man had also a right to "paper."

Mr. *Poulett Scrope* stated, in reply, that he had been prevented from giving notice of his intention to submit his Motion on Friday last; but if the House thought it would be more convenient, he was ready to withdraw it at present, and move a Resolution to the same effect on the third reading of the Bill.

Mr. *Hume* suggested, that the public time might be economized by taking at once the sense of the House upon the question.

The House then divided on the Amendment—Ayes 34; Noes 89: Majority 55.

List of the AYES.

Attwood, T.
Blake, M. J.
Brocklehurst, J.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Conor, Don
Dillwyn, L.
Fielden, J.
Gronow, Captain
Hodges, T. L.
Hughes, H.
Irton, S.
Kennedy, J.
Lynch, J.
Miles, W.
Newark, Lord
Nagle, Sir R.
O'Dwyer, A. C.
Richards, J.
Roe, J.
Roche, W.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Sinclair, G.
Scholefield, J.
Stewart, E.
Sullivan, R.
Vigors, N. A.
Young, G. F.
Walker, C. A.

TELLERS.

O'Connor, F.
Scrope, P.

COLCHESTER ELECTION — ALLEGED BREACH OF PRIVILEGE.] Mr. O'Connell rose to move, as the right hon. Secretary of War was in the House, that the Report he had that evening laid on the Table be printed.

Lord Althorp insisted, that the Order of the Day for the second reading of the Suppression of Disturbances, Ireland, Bill, should have precedence.

Mr. *Ellice* said, if, after the statement which he should have the honour of making to the House, the hon. and learned Gentleman thought fit to make the Motion, he should have an opportunity of doing so at some later period in the evening without any opposition. For the first time since coming into the House he had just seen, although he was not altogether unacquainted with the fact, that something had passed in the course of the morning, with reference to the subject, in a Committee up-stairs; for the first time, he had just seen the Report which had been presented by that Committee, of which the hon. and learned Gentleman (Mr. O'Connell) was Chairman. In that Report it was stated, that a noble friend of his had applied to him, as Secretary to the Treasury, for an advance of money by the Treasury, for the purpose of paying the expenses of an election then going on in the borough of Colchester. He had no hesitation in stating to the House, that the facts so stated by his noble friend—he was satisfied quite unintentionally on his part—had been misrepresented, and were totally untrue. It was quite true, that during the course of that year (1831)—a year, he believed, which would be long recollected by the youngest Member in that House—when they, at least those among them who were reformers, were anxiously engaged in the arduous struggle to carry that question on which the previous Parliament had been dissolved, great preparations and exertions were made both by the friends and opponents of that important measure. On the part of its opponents a club was established in Charles-street, to the fame of which he thought it unnecessary now more particularly to allude, but where it was notorious large sums of money were collected to pay the expenses and advance the interests of those who repudiated reform in different parts of the country. The advocates of Reform had no other way of meeting that state of things than by endeavouring to promote similar subscriptions in their turn, in order to prevent their friends being oppressed by the general contest. It would be recollected by many hon. Gentlemen, that at that period he had taken on himself the labour of making arrangements connected with the general election then about to take place—not so much in his official situation, as he knew some would be disposed to impute to him, but simply as an humble individual most anxious for the success of that great constitutional principle for which they were contending. In that character several Gentlemen who had superintended subscription funds to a considerable amount on the side of Reform, were in the habit of asking his advice, and, indeed, he might say of consulting his discretion, as to their appropriation when collected; and he had no hesitation in saying, that beyond the money applied towards the election at Colchester, various sums out of the funds raised were applied under his advice at different times, by different Committees throughout the Metropolis. Beyond the misrepresentation in the evidence of his noble friend, which he repeated he was quite sure had been altogether unintentional, it was stated in the Report, that the money in question had been advanced for the particular purpose of forwarding the interests of one individual in the borough of Colchester. Now, it would be recollected that they were then exposed to the execrable system of sending down all the out-voters; and it having been represented to him, that one side had the means of sending down those voters while the other side had not, he stated to an independent friend of both parties, that he knew no individual, except as engaged for or against Reform, all he asked being whether they were in favour of the principle for which they were contending; and on a statement, that there was a Committee or some other means of conducting the general expense of sending down voters,—a perfectly legal expense,—he certainly did apply to the Committee who had the management of the funds at that time, and procured the advance of 500*l.* for the Reform interest. Such was his recollection of what had passed when the subject was first mentioned to him by his right hon. friend, the member for Montgomeryshire (Mr. Wynn). Whether there had not been an indiscretion in bring the matter before a Committee up-stairs, he would not take on himself to determine; it was a matter of the most perfect indifference to him, whether it was discussed in a Committee up-stairs or in that House. His answer was, that he acknowledged at once the fact, that he had been the instrument at the time of apportioning the funds which had been subscribed throughout different parts of the country; and having stated that to the House plainly and candidly, he was content to throw himself on their impartial judgment. So far went his recollection, without having had the opportunity of referring to documents, or other means of ascertaining whether the facts were precisely in accordance with his impressions. But since he had entered the House, by the courtesy of the hon. member for Colchester (Mr. Harvey), he had been put in possession of the letters which he (Mr. Ellice) had written to that hon. Gentleman on the occasion alluded to; and if the House would allow him to read them, for they were very short, it would be seen in the first place, that the funds had not been advanced for the exclusive use of one or other of the candidates for Colchester, but for the purpose of enabling the Reformers of that borough to send Members to that House who would support "the Bill, the whole Bill, and nothing but the Bill." He used those words because they formed, in point of fact, the test which had been put to all the Reformers throughout the country. The two notes to which he alluded completely bore out his own recollections, so that whatever opinion the House might form as to the propriety of the transaction itself, there could be no doubt whatever as to the facts of the case. The right hon. Gentleman then read the following Letters:—

Wednesday, May 4, 1831.

Dear Sir,—I hope all will go right. I have done everything in my power to contribute to it. 500*l.* was sent from one subscription fund to Mr. Savill; and 200*l.*, I hear, has been contributed by the other—(Meaning the Crown and Anchor Committee, of which the hon. member for Middlesex knew something. That hon. Gentleman was very meritoriously engaged at the Crown and Anchor, while he (Mr. Ellice) was occupied elsewhere.)—I am obliged to return to Coventry to-night, and shall not be again in town till Saturday, but if you are in difficulty in the mean time, you must press upon the Committee at the Crown and Anchor, who feel every disposition to exert themselves on behalf of Colchester.

Yours faithfully, E. ELLICE.
D. W. Harvey, Esq.

Sunday.

Dear Sir,—I had written (before opening your letter), according to the wishes of Mr. Western, to Mr. Savill relative to affairs at Colchester, and given him authority to do any thing which I held out to you the prospect of being able to do on behalf of the liberal cause.

I hope what has been done will be sufficient. At all events, it is all I have at present in my power; but if you send me up a good account of your proceedings to-morrow, I will urge the Committee to make further exertions. That, however, must depend upon their means and inclination, neither of which are under my control.

Yours faithfully, E. ELLICE.
D. W. Harvey, Esq.

After what he had stated, he thought it quite unnecessary to add, that not one single shilling of the fund had been contributed from the public money; indeed, it was much more likely that it had come out of his own private purse. Such was the explanation he had to offer, and which he trusted would be satisfactory to the House. Throughout the transaction he did not think he had done more than any other Member, agreeing with him on the great principle in question, would have felt himself justified in doing, under the circumstances he had described.

Mr. *Hume* had no hesitation in corroborating the statement that a Committee had sat at the Crown and Anchor for the purpose of receiving subscriptions to be employed in advancing the interest of the Reform Candidates; and he believed that an hon. Member of that House had acted as honorary Secretary on that occasion. He had been anxious to know whether the 500*l.* had really come from the public money, and he was glad his right hon. friend had so satisfactorily answered that question.

Mr. *Harvey* was anxious to state, that he had not derived one farthing of benefit from the fund which had been collected at the Crown and Anchor. As to the 500*l.* in question, it never should have come under the attention of the House but for the inquiry with which it was incidentally connected, and which had occupied the attention of the Committee for some time past. Lord Western having stated that he applied for that money expressly and exclusively for Mr. Mayhew, and denying most positively that it had reference to any other party, he should say nothing as to the motive or tendency of that denial, but was perfectly satisfied to find that his (Mr. Harvey's) representations had been substantially confirmed.

Mr. *Rigby Wason*: Would any one say it was not as notorious as the sun at noonday that the Government, during recent elections, had been in the habit of assisting Candidates favourable to their own views? Government had been long in the habit of doing so. He put it to Gentlemen on both sides of the House, if that was not the fact. One advantage, at all events, would arise from the present conversation, namely, that the attention of Parliament would be directed to the expediency of discontinuing the secret service money, or at least of much reducing it.

Sir *Henry Hardinge* had no wish to protract the discussion, but having held two or three offices for a considerable time, he must say, upon his honour, that he had never known a single instance of the public money having been applied in the way alluded to by the hon. Gentleman who had just spoken. He by no means thought the question a light one. At the same time he implicitly believed the statement which had been made by his right hon. friend opposite; and he was satisfied that if the case were referred to the consideration of the Committee of Privileges, (and if he were his right hon. friend he should be most anxious to have it so referred), the Report of that Committee would be, that there was no ground for any further proceedings.

Mr. *Baring* said, it was necessary, if the House wished to preserve its own respect—if it wished to preserve the respect of the country, that the matter under discussion should be made a subject of inquiry; because no invasion of the rights and privileges of the people ought to take place without the fullest investigation. This was a question which ought not to be lightly passed over; it involved the most important privileges of that House and of the people. It was for the House to institute an inquiry, and then to determine whether any and what measure ought to be adopted upon it. He would say, that no step could be taken by the House until the paper was printed. He had heard that paper cursorily read, and he would say, that he was not aware that the name of the right hon. Secretary of the Treasury was once mentioned in that paper. It was indeed stated, that a most respectable Gentleman connected with the Treasury had paid over a certain sum of money for electioneering purposes. True it was, that no Gentleman of greater respectability, of higher character, than his right hon. friend, the member for Coventry, could be found in the country. But yet, having received the Report of the Committee, they were bound to print it, otherwise they would depart from a course quite usual with the House. He felt that the paper ought to be printed, and it would then be for the consideration of the House whether any, and what ulterior measure ought to be resorted to.

The Report was ordered to be printed.

SUPPRESSION OF DISTURBANCES (IRELAND).] Lord Althorp moved the second reading of the Suppression of Disturbances (Ireland) Bill.

Mr. *O'Connell* felt it necessary to state to the House the situation in which this Bill was introduced to the House. The second reading of this Bill was now proposed to them under circumstances perfectly unintelligible, without a reference to the Act of last year. In that Act there were certain objectionable clauses. In the Bill now before them some objectionable clauses were omitted, but they had no specific information as to which were to be retained. As the Bill at present stood, an unlimited license was to be given to the soldiery, because no proceedings could be taken at law for any violence or outrage they might commit without the authority of the Attorney General. There was an almost equal protection extended to those Magistrates who might interfere with the liberty of the subject. This was the measure of last year. What, he would ask, was the nature of the measure now before the House? What was the intention of the noble Lord (the Chancellor of the Exchequer) opposite? Did he mean to leave these clauses in the Bill, which he had found it necessary to introduce? If such were the intention of the noble Lord he should feel it his duty to take the sense of the House upon the subject. By the proposed Bill it was to be enacted, that no meeting should take place for political purposes; that was to say, for instance, with a view to presenting a petition for a redress of grievances without giving ten days' notice, and having, at the end of that period, the signature of the Lord-lieutenant, or his Secretary, sanctioning such meeting. If the noble Lord would only leave out the necessity of the signature of the Lord-lieutenant, or his deputy, he would not object to the ten days' notice. He must, however, oppose the eleventh clause as it stood, which prevented the meeting for the purpose of presenting petitions to that House for the redress of political grievances. It was cruel—it was arbitrary in the extreme. He would say, that nothing had, during that Session, been done for Ireland—save, perhaps, the Tithe Bill—nothing else had been done for his unhappy country. Here, then, were the Irish Members and the Irish people grateful, and for what? Why, grateful that an English Government were willing to pass certain coercive measures without some few clauses of useless severity. Well, they were grateful for that—they were grateful for anything. But did it never enter the minds of Ministers that this Irish Coercion Bill had been proved to be of all others the least effective? When they passed the Irish Insurrection Act there was for a time a lull, a period of repose; when they passed the Algerine Act, again there was a lull; but with respect to this Coercion Bill, it had been found to be totally ineffectual. This, however, would not do; there existed a wretched faction—a Tory, an Orange faction—ready to pounce upon and hunt down the remaining liberties of Ireland. They stood upon the present occasion; they volunteered their services for the depression, the degradation of Ireland. They went out of their way for the purpose. But why was it to be thus? Why was it that the people of Ireland were to be the only persecuted people in the United Empire? For a long period had Ireland been left without remedy or redress of her many grievances. No measure, that was to say no effective measure, had been introduced into Ireland, save the Coercion Bill, or some such oppressive measure. Oh, what a misery it was for unhappy Ireland to be cursed with a party so prejudiced that they were anxious to inflict every injury on their country. And why? Merely, he would say, from an abstract love of mischief. And how was it that such a state of things was endeavoured to be forced upon them? It was because the party, the rank Tory party, who recommended such a course, felt that while they were doing so they were relieved from all responsibility. But thank God that party was gone from the Councils of the Crown—from the Government of the country—never, never, he trusted, to return. He cared not what had been urged by the supporters of this Bill, and would deny altogether that there was anything in the documents on the Table which warranted its introduction. He denied that the noble Lord (the Chancellor of the Exchequer) had made out any case in justification of it. He would go further and say, that the only ground for the measure was made out by the right hon. Secretary for the Colonies. That right hon. Gentleman had put the question on a footing in which he (Mr. O'Connell), to a certain extent, concurred. He put it not upon the letter of the Marquess of Wellesley; but he had asked whether any man connected with Ireland could have witnessed the agrarian disturbances in Ireland, or have even read the statements contained in the report of 1832, without a desire to repress the outrages therein described. Upon that ground he went with the right hon. Secretary. It could not be denied that his statement was true. But it was an equally true statement, that during the last sixty years there had only existed the Whiteboy Act, and that without effect. He wished he could induce hon. Members representing English constituents, to read the report of 1832. If they would only take the trouble to do so, they would find the evidence of Mr. Barrington (a gentleman of whom the right hon. (the Secretary for the Colonies) could, if questioned on the subject, give a most satisfactory account). That gentleman stated, that he had had for a number of years the most ample means of judging of the agrarian disturbances in Ireland, and he was in a situation to prove, that they arose not from any political feeling, but altogether out of local circumstances. He would take an instance mentioned in the evidence of Mr. Barrington. Lord Stradbroke had, upon a particular occasion, thought proper to turn from his estate some sixty or eighty persons, and to let the whole of the land to a single tenant. This gave rise to feelings of discontent and revenge, and the consequence was, that the unfortunate man who took the land was found murdered in his bed. He next came to the statements made by that gentleman relative to the management on the estates of Lord Courtney, a nobleman with reference to whom a kind of delicacy was used to which the management of his estates did not in any way entitle him. Upon his estates there were, from various causes, considerable arrears of rent. An agent came and bought up these arrears, and immediately commenced proceedings for the recovery of the back rents. This gave rise to feelings of discontent, and to disturbances of a most serious nature. This they had from the evidence of Mr. Barrington, a most honest and faithworthy witness. That gentleman went on to say, that from all his experience he had been unable to discover the existence of any, even the slightest, connexion between these disturbances and matters of a political nature. It was, indeed, stated, that there was one conspiracy, that of Doneraile, which bore a political character; but let it be understood, that that was a conspiracy of the Magistrates against the people, and that, of the four persons there prosecuted three were now living comfortably at their homes, while the fourth was in New South Wales, where he certainly ought never to have been sent. Much had been said upon this subject, and he knew—he well knew—the quarter from which certain statements contained in the proclamations and other official documents came. He had heard the right hon. Secretary for Ireland declare in that House, that the Irish Attorney General was a most liberal and upright man. He concurred with the right hon. Secretary in thinking the Irish Attorney General a most honourable man; but he was bound at the same time to say, that a more rank partisan, a more undisguised a more unmitigated, opponent of liberal principles did not exist in that country. What had been the conduct of that hon. and learned Gentleman? When the Marquess of Anglesea was canvassing and using his interest in favour of Mr. Perrin, the Attorney General, it was true, voted in his favour, but neither his family or those with whom he had influence, did so; they voted the other way. It was enough for him to say, upon this difficult and delicate question that he could not countenance the charge of political agitation urged in support of this Bill, They were told as a justification of this measure, of the outrages which took place in Ireland, in a communication made from the Irish Government, on the 18th of April; but he defied any man to show to him that these outrages were in any way connected with political feeling. They had heard, indeed, the statements of Lord Oxmantown, asserting that the agitations and disturbances in Ireland were of a political nature. This he denied; he felt convinced, that such statements were without foundation, and if he (Mr. O'Connell) could, in the course of the next Session, obtain the appointment of a Committee, he would undertake to prove that fact, and show that the noble Lord was as much mistaken as ever he was in his life. They had heard a great deal about political agitation—now, what was the meaning of the word? If he understood it, it meant the discussion of a real or imaginary grievance. Would it not, he would ask, be difficult to show that any grievance of which Ireland complained was imaginary? If this, then, were so, who was there hardy enough to say, that the Irish people had not an undoubted right to petition that House for a redress of the grievances under which they suffered? Let any man then show to him any imaginary grievance of which the people of Ireland complained. He defied any Member of that House to do it. Unfortunately their grievances were too deeply rooted, too sorely felt, to be cured by anything short of the most effectual remedies. What was the course pursued towards the city of Kilkenny? The county was proclaimed, though the city was known to be perfectly tranquil; but it was found that it would be convenient to quarter their troops in the city, and therefore they proclaimed the city too. Was it not the principle of the British Constitution—was it not the essence of the Government of this country, that every subject of the realm should have the means of petitioning Parliament for a redress of the grievances under which he laboured? Without further detaining the House, he would advert to the proceedings which had taken place against Mr. Barrett, who published a letter written by him (Mr. O'Connell) to the Irish people in his paper. The learned Judge, who tried that case, made it matter of aggravation on the part of Mr. Barrett, that he had reprobated the Algerine Act. He (Mr. O'Connell) did not quarrel with the power claimed by Government of declaring portions of counties or parishes to be brought within the meaning of this Act, because, by doing so, they took the responsibility of this proclamation upon themselves. But if hon. Members would only look to the evidence given by Mr. Barrington, page 21, they would find that there existed under the Whiteboy Act sufficient power to repress or punish any attempt at seducing the people into sedition, or leading them to disaffection by public meetings. This Act made any attempt at leading the people to disaffection a transportable felony. He would ask the noble Lord then whether this was not, of itself, a sufficient power to be vested in the hands of Ministers? If they feared public meetings, the Whiteboy Act enabled the Government to transport any person found holding out inducements to disaffection and outrage. Why then was it necessary, in addition to the ten days' notice of a public meeting, to have the Lord-lieutenant's signature, or that of his Secretary, before such meeting could be legally held? He would not object to the ten days' notice if the noble Lord would consent to give up the necessity of such signature to render legal such a meeting. Now, he would take a case; last year it was found, that there were no more than seven or eight cases of felony in Dublin to be tried during three months in a population of 300,000 persons. Now, supposing that city even to be proclaimed by this Bill, would it be fair or just that its inhabitants should be prevented from the power of petitioning Parliament for redress of the grievances under which they laboured? What county in Ireland had presented a greater number of petitions against tithes than the county of Wexford? Every town and every parish in that county had petitioned. Petitions had been carried about from house to house for signatures, and what was the result? That Baron Foster, in his charge to the Grand Jury, congratulated them on the happy aspect which that great county presented; and stated that the calendar was the lightest that he had ever met with in his judicial career, there being only seven cases for trial, out of a population of 245,000 persons. Here it appeared, that although there was great political agitation, yet there was little outrage. On the contrary, in the years 1821 and 1822, when, in consequence of the King's visit to Ireland, and other circumstances, there were no political meetings, the agrarian disturbances were at a greater height than had ever been known. What was the reason, that when political agitation was considerable, agrarian disturbances were diminished? Because a hope of redress was generated by the former which tranquillized the people. There were parts of the Bill under consideration of which he approved. He approved of that part which had been called for by the Catholic clergy, and which provided that no man in a disturbed district should be allowed to go from his house at night without being able to assign a sufficient reason for his absence. No man knew better than he did how many cases of seduction, with acts of violence, were produced by these midnight absences. The provision, therefore, was a protection; and he was quite ready to embody it permanently in the Whiteboy code; but it was a calumny to say, that by so doing, he should take anything from the just liberty of the people. It was an injury to no man to prevent him from going out to commit outrages which deserved punishment. While he said this, he must repudiate the false calumny, that there existed any connexion between these predial disturbances and political agitation. The latter was the just and natural result of the neglect which had been shown of the interests of Ireland. He would now inquire what had been done by that House for Ireland? No measure had passed that House in favour of Ireland, save the stingy and unsatisfactory Reform Bill, a Bill doubly unsatisfactory when it was compared with what had been done in the way of Reform both in England and in Scotland. That Bill left the registration defective, as was exemplified before the Election Committee for the county of Monaghan. Nothing in the shape of redress was given to Ireland. He had, he thought, shown that these clauses were unnecessary, and if he could get an assurance from his Majesty's Government that they would not prejudge these clauses in the Committee, he would not divide the House upon the second reading of this Bill. But if that assurance were not given, he would certainly divide the House upon this Motion. He thanked the Government for the sacrifice they had made; and it afforded him no small pleasure that the right hon. member for Cambridge had stood by the rights of his fellow-countrymen. Again he repeated, that unless he obtained some assurance from the Government as to the objectionable clauses, he would certainly divide the House upon the second reading of the Bill.

The *Attorney General* said, that feeling satisfied the Bill, as now brought forward, was approved of by the general sense of the House, and that it would be carried by a great majority, he did not think that he was called upon to occupy the attention of the House more than a few seconds. The scheme on which the Bill was drawn was this:—So much of the Act of the last Session as was not repealed by the present Bill, was to continue in force for one year longer. But those parts which were repealed were the clauses which had formerly been most strongly denounced in Parliament, and which were looked upon by the country as the most arbitrary and most oppressive. All those portions of the Act which gave the Lord-lieutenant the power of forbidding any meeting which he might consider to be dangerous, ceased, and he now was only vested with the power of suppressing a meeting which, after it had assembled, assumed an illegal character or resorted to acts which were adverse to the laws, and inimical to the peace of society. In districts which were proclaimed, meetings could not and ought not to be held, without the previous sanction and authority of the Lord-lieutenant. But there were many clauses repealed, as the Courts-martial and other clauses, which were of a harsh and forbidding character. These, which on a former occasion had met with a very serious resistance, were now entirely repealed; and all civil offences were to be adjudicated by the natural and constitutional tribunals of the country. With regard to the two clauses which had been so strongly objected to by the hon. and learned Gentleman, in his opinion, they ought not to be removed—if these did not remain, then would the act be of little or no effect for the objects contemplated by its framers. The hon. and learned Gentleman had himself suggested a clause, which required that in a proclaimed district every householder must give an account of his lodgers, and that in the dead of night they must answer, if called upon—a clause that certainly made the Bill much more efficient for the maintenance of the public tranquillity. But without these clauses the Bill would be of no avail; the powers vested in the Lord-lieutenant would come to nought. With regard to the 28th section, he would take the liberty of saying, that the hon. and learned Gentleman had entirely misconstrued it. He had supposed, that if a soldier or a constable should commit any offence, he could not be tried except by a Court-martial, or by warrant of the Attorney General. But this was only when he was *bonâ fide* acting in pursuance of the powers conferred by the Bill. If any such person were to assault a man when not acting under the powers conferred by this Bill, an action of law would lie against him; he might be indicted, or made the subject of any process, civil or criminal. But it was not thought right that a soldier or constable should be liable for any inadvertence he might commit under the Act. To take away this protection from the soldiers, would only promote suits to the advantage of pettyfogging attornies. Under these circumstances, he trusted that even in the Committee the two clauses would be considered indispensable. It was only on the plea of necessity that the Bill had been brought forward.

Mr. *Lefroy* said, that the hon. and learned Gentleman (the Attorney General) had taken great pains to satisfy the hon. and learned member for Dublin, why certain parts of the Bill were maintained, and he (Mr. Lefroy) hoped some reason would be given why his Majesty's Ministers omitted other parts of the measure. He did not rise for the purpose of pressing upon the Government the more coercive parts of the Bill, which had been omitted, but he felt intitled to call upon them to state why they now omitted certain clauses which they had introduced into the Bill in another place? When he said he did not rise to press any unnecessary measure of coercion upon the Government, he hoped he had sufficiently guarded against the misconception and misconstruction into which the hon. and learned member for Dublin had fallen on the night when he (Mr. Lefroy) had last the honour of addressing the House upon the subject. On that occasion he had, as explicitly as he did now, disclaimed urging upon the Government, upon his own judgment, any additional measure of coercion: but he did then, as now, claim, on behalf of the peaceable portion of the inhabitants of Ireland, some satisfactory reason why those parts of the measure which were proclaimed by his Majesty's Government to be necessary, and which were particularly recommended by the Lord Chancellor in another place as being absolutely essential for the preservation of the peace in Ireland, should now be abandoned? The hon. and learned Gentleman, the member for Dublin, said, that he would be satisfied with so much of the measure as was called for by the Roman Catholic clergy and the Roman Catholic farmers. He would ask were there no other persons in Ireland worthy of protection. He should like to know why the feelings of the landed proprietors of Ireland—why the feelings of the Protestant clergy and the Protestant gentry of Ireland were not as worthy of being consulted as those of the Roman Catholic clergy and farmers. His Majesty's Government were bound to pass a measure that would ensure protection to all classes. The hon. and learned Gentleman said, he felt grateful to his Majesty's Ministers for the sacrifice they had made in omitting certain clauses of the Bill. That hon. and learned Gentleman might well feel grateful to his Majesty's Ministers for conceding to him what they refused to concede to the merits of the case. Government brought in a measure with certain clauses to which the hon. and learned Gentleman strongly objected—these clauses had been withdrawn without any valid reason having been assigned. To what other motive, he would ask, could such conduct be ascribed but a concession to the hon. and learned Gentleman? It was alleged, it was true, that there were other reasons for the change which had taken place in the minds of his Majesty's Ministers, and a great deal had been said of a publico-private correspondence between the Lord-lieutenant of Ireland, and the right hon. Gentleman opposite. Of that correspondence, which had never seen the light, he would only say—

De non apparentibus et non existentibus eadem est ratio.

Another reason was given for the change, namely, the impossibility of carrying the measure through this House after the disclosures that had been made. But see what had passed in this House upon the subject. On the 7th of July, after the House was aware of all that had passed between the right hon. Gentleman and the hon. and learned member for Dublin, a vote was taken by which this House pledged itself to the measure then on the

Table of the other House of Parliament. On the occasion of the papers being laid upon the Table of the House, the hon. and learned Gentleman, the member for Dublin, moved that they be referred to a Select Committee, upon the very ground that the Bill as introduced into the other House contained all the clauses, except those for Courts-martial. Government resisted the Motion, and they then expressed their determination of abiding by the measure as introduced into the House of Lords. The House divided upon the subject, and it was perfectly understood that in voting upon the question, hon. Members were voting whether or no they would maintain the whole Bill. The numbers who divided with the Government were—175 to 72. Thus, on that occasion, the House pledged itself, and Ministers had a majority in favour of the Bill of more than two to one—therefore, their stating that they could not carry the measure was a mere pretence. What! this House which had come to the vote it did on the Russian loan question—a vote which was described by an hon. Member who joined in it as voting black was white —not to support Ministers in carrying the Coercion Bill. What! the hon. member for Middlesex (Mr. Hume) who was the person so to characterise that vote—he who had taken such pains to lure back into office the Chancellor of the Exchequer, and made the noble Lord change his unchangeable purpose. What! that hon. Member and his friends not support his Majesty's Government, if they had thought fit to hold consistently to their own first measure? Parliament and the country had a right then to know the truth, why the measure had been cut down in the way it now appeared before the House. He did not urge this as a cause for the reinsertion of the clauses, but he did think that Parliament and the country had as good a right to be satisfied with respect to the cause of the change that had taken place, as the hon. and learned member for Dublin. When he recollected the course too that had been taken, and its tendency to degrade another branch of the Legislature, he could not but deplore the conduct of his Majesty's Ministers. They, in the first place, pressed the measure in the full plenitude of its coercive power upon the other House; and when they had induced the Peers to carry it through most of its stages, then they withdrew it. It was now to be sent back to them curtailed of what was then represented to be its most important clauses, and the other House was to be called upon to pass it, and in doing so they must either degrade themselves, or, by refusing to do so, be brought into collision with that House. When he (Mr. Lefroy) considered these circumstances, he must say, that his Majesty's Government, in the course they had taken, had not dealt with Ireland, with Parliament, and he would add, with their own characters, in the way they ought to have done. The hon. and learned member for Dublin had alluded to the Reform Bill, and stated, that the mode of registration had tended to produce the most mischievous effects; and he alluded to what had occurred in the Longford committee, and what was now taking place in the Monaghan committee in support of his allegation. He could take upon himself to say, that the evil did not originate in the mode of registration, but in that undue spiritual dominion over the lower orders in Ireland, which was powerful enough to induce persons to come forward to register votes who had no real qualification. He could state of his own knowledge in the Longford case, that so strongly impressed were the committee with the fact of this influence having been used, so as to infringe on the freedom of election, that it was matter of discussion in the Committee whether a Special Report should not be presented to the House on the subject. He regretted exceedingly the consequences that must result in Ireland from the conduct pursued, on the present occasion, by his Majesty's Ministers. That conduct was calculated to exhibit the hon. and learned member for Dublin, as having in effect the Government of Ireland in his hands. His Majesty's Ministers had placed themselves in such a position, that they could only be looked upon as pensioners upon his bounty for their daily bread. It was for him to say, whether he would abstain from agitation—and how long: but the moment he set about agitating again, Government would be obliged either to come to Parliament and ask for strong measures, and thereby forfeit his support, or by succumbing to him retain their places. As, however, it was open to the hon. and learned Gentleman to renew agitation at his own discretion, his Majesty's Ministers could only be looked upon as tenants at will to the hon. Gentleman for the peace and security of Ireland. But he must again disclaim any wish to force on the Government what they now rejected. He used these arguments merely to show the extraordinary part which the Government was acting, and the deep responsibility they were taking upon themselves, in submitting to Parliament a measure short of that which was at first proposed, and which was represented by themselves as necessary to maintain the peace and tranquillity of Ireland. It was not his intention to oppose the second reading of the Bill, or move the re-insertion of the clauses in committee, but should leave Ministers to bear the full responsibility of the course they were pursuing.

Mr. *Ronayne* declared, that there was no man on earth who could make this measure bearable; it was a complete mass of incongruities. It reminded him of an anecdote told of Pope the poet, who, in his fits of irritation, was apt to use the expression, "God mend me!" Being once much provoked at some clothes that were ill made for him, he vented his spleen against the delinquent artist by exclaiming, "God mend me! Can't you make a better coat than this?" "Mend you, indeed," replied the man, looking archly in his face, "it would be easier to make two new ones than to mend you!" On the same principle, he would say, that it would be easier to make ten fresh Bills than to mend this. He objected, among other things, to the evidence on which Ministers had framed this Bill, but yet, from that very evidence, he would show, that their Bill was quite unnecessary. Major Miller, the Inspector of Police in the county of Waterford, had stated, that for the last month prior to his writing that Report, there had been a great decrease of crime within that county, notwithstanding the political excitement of an election at Dungarvan. But he was surprised that Government was more disposed to rely on the evidence of stipendiary Magistrates than on the opinions of the Judges of the land, unpaid Magistrates, and country gentlemen, when they premeditated this act of despotism. He would refer Ministers to the charge of Baron Smith last year, and to the opinion of Sir John Harvey, the Inspector-General of Leinster, respecting the state of the county of Wexford, that it was as free from crime and agitation as any part of the empire. The evidence also of a highly respectable Magistrate in the county of Meath stated that, for the last twenty years, he had never found the laws better supported than at the present moment, and that the existing laws were quite sufficient for the protection of property. The charge of Mr. Baron Pennefather to the Grand Jury at Ennis established the same facts. For his part, he was suprised that the hon. and learned member for Dublin should have directed his hostility so peculiarly against the 11th and 28th clauses, for he thought there were many others fully as objectionable. Any one, he was sure, who had a regard for the constitution of his country, would not give his assent to this measure —an Act which allowed those who apprehended persons under its provisions, to confine them in any part of Ireland they pleased; so that the poor creature might be shut up in any dungeon, in any bastile, far away from his friends, and left without any opportunity of communicating with them. Would any Gentleman say, that the state of Ireland required so arbitrary a measure as this? Another clause forbade the lighting of a bush, or a bonfire, blowing a horn, firing a gun, or making a smoke. Now was not this most unjust and most absurd? He was unwilling any longer to occupy the attention of the House; but feeling, as he did, that the ordinary powers of the law were quite sufficient for the professed purposes of the Bill, he could not approve of any portion of it, and he should, therefore, move that the Bill be read a second time that day six months.

Mr. *Ruthven* said, he would cheerfully second it. This Bill was unjust and tyrannical—it was not necessary—no reason had been given for its enactment, and, therefore, he would oppose the Bill. The House had no sufficient information upon this subject, and without some acts of kindness, Ireland had no reason to be grateful to his Majesty's Government. Ireland should be treated as England, or else justice would not be done to each impartially. However, on the present occasion he would not further trouble the House.

Mr. *Thomas Attwood* wished the House to throw the Bill out entirely. He was sure it would be most beneficial to Ireland that they should do so, for not one drop more of human blood would be shed by its suspension, and perhaps many drops would be saved. Now, the Government was gaining great credit by adopting the advice of calm and rational men, ameliorating the harsher clauses of the Bill, and why should they not follow the advice of men of peace altogether, and give up the whole Bill. He had told them last year that, by their measures towards Ireland, they were cutting the lock of hair which constituted the strength and greatness of this vast empire. And now he would tell his Majesty's Ministers, that they were deluded by the Tories, who only wished to destroy them. They talked of agitation—why he knew some little of that trade—he knew what agitation was. Yes, he had been an agitator himself, and he had done much good by it. Yes; in 1832, when he agitated to the utmost of his power, there was not a single case of depredation in Birmingham—the very thieves and pickpockets, and vagabonds left off their occupations to follow him. The evidence they had before them proved, that the outrages, of which they heard so much, had no connexion with political agitation, but were the result of grinding and bitter misery. Let the House turn to page 54 of the documents laid upon the Table, which he had opened by accident, and they would find one of the first statements of the outrages to run thus :—'The habitations of John Horan, 'Keran Horan, and John Coghlan, all of 'Isker, in the parish of Clonfert, were 'attacked by three men (one of whom 'was armed with a short gun and another 'with a pistol), who forced open and 'entered the several habitations, obliging 'the inmates to go on their knees, and 'swearing them not to work for Mr. Finney for less than 8*d*. per day with their 'diet, or 1*s*. without it, which Mr. Finney 'complied with." Surely it could not be said that, compelling a man not to work for less than 8*d*. per day had anything to do with political agitation. The next case he should read was of a different nature, but was equally unconnected with politics :—'A large number of men collected 'on the lands of Claremadden, said to be 'about 200 or 300, and drove off stock 'seized for rent and arrears of rent; the 'police patroles from Killimore and Kiltoriner pursued the stock, a greater part 'of which they brought back and gave up 'in charge to the drivers, but were obliged 'to retreat from a large mob; and on 'next night they were again taken, some 'of which were only recovered, and sent 'to Ballinasloe to be disposed of.' The next two cases were also upon the face of them the offspring of extreme misery :— 'Mary Goode (of no certain place of residence) arrested by the police for abandoning a female infant child, committed 'for trial.' 'Several head of cattle, the 'property of the Marquess of Clanricarde, 'were driven from off the island of Innisgall, on the river Shannon, supposed to 'be by persons who formerly held those 'lands, and were ejected for non-payment 'of rent.' Had a mother's abandonment of her child anything to do with political agitation? What was the next case?— 'The habitation of Martin Coen, of Eyrecourt, was entered on this night by two 'men, one of whom told him that, unless 'he sent a release for John Larkin and 'Patrick Lally, now in Galway gaol, he 'might prepare his coffin, for that he 'would be murdered; long since it would 'have happened to him were it not for his 'orphan brothers and sisters. This he was 'apprized of, and told, that if there were 'no persons to murder him but his neighbours, they would do it.' He might, he supposed, go on quoting case after case, but he would only read one more. 'The 'habitation of Richard Finney, on the 'land of Isker, in the parish of Clonfert, 'was entered by three men, one armed 'with a short gun, the other two with a 'pistol each, who demanded arms, and, 'on being told that he had none, one of 'them threatened his wife, and said he 'had, and would not leave the house. 'They then ordered him to put away a 'servant boy, which he promised to do, 'and to restore the grass he had taken 'from his labourers' cows. They then 'desired a trunk and box to be opened, 'but made no search.' It was clear that all this was the result of poverty, and the right hon. Gentleman must know that it was. If, then, they desired to put down predial agitation, they must attack what they knew to be its cause.

Mr. *Charles A. Walker* entreated Ministers to follow up the good work they had begun. He hoped they would accede to the request of the hon. and learned member for Dublin, and strike out those clauses objected to by him; in so doing he could see no difficulty whatsoever, they would merely be carrying into effect their own principles, and declared intentions; they had already announced, that they only intended to retain so much of the late Bill as related to the suppression of agrarian outrage, and that they would expunge those clauses which related to Courts-martial, and political meetings. Now, that portion of the Act which gave indemnity to the military and police for any act they might commit within a proclaimed district, and declared, that they should not be amenable for misconduct to the ordinary Courts of law, but should be tried by Courts-martial alone, ought to be considered as appertaining to the expunged Courts-martial clauses, and ought not to be retained. It was most monstrous, that any man, no matter whether military, or policeman, should have the privilege of committing a gross outrage, or injury on any of his Majesty's innocent subjects who might be unfortunate enough to dwell within a proclaimed district, and that the injured man should be thus deprived of all redress. The English Attorney General had just attempted to defend this protection which was given to the wrong doer, by saying, that otherwise any soldier, or policeman, for every trifling or supposed offence, would be pounced down on by some pettifogging attorney, and although only one farthing damages should be given, yet he would be ruined by the weight of the costs; but was that any reason that every gross outrage by such persons was to go unpunished, and that the innocent victim was to go wholly without redress? But the argument of the Attorney General with respect to heavy costs falling on the soldier, or policeman, in case of only a farthing damages being given, or that he should appear to the court justified in his conduct, could not hold a moment as regarded such trials in Ireland, because those costs would be paid by the public, as Government had repeatedly, in prosecutions against the police, even where to his own knowledge the police were greatly in fault, paid their costs and expenses out of the public purse. Then, again, the Attorney General stated in defence for retaining the prohibition to hold meetings for the purpose of petition, without leave within proclaimed districts, that no district would be proclaimed by the Lord-lieutenant unless it was in a state of disturbance. Did not the right hon. Gentleman know, that such was contrary to the fact? did he not know that districts might, and actually had been proclaimed under this Act, which were in themselves perfectly peaceable, and for no other cause but their contiguity to other districts which were disturbed? For instance, when the members for the King's county and Westmeath complained to this House, that peaceable baronies had been put under the operation of the Coercion Bill, the Secretary for Ireland explained, that the reason was, their contiguity to other and disturbed baronies, and that unless such adjoining peaceable barony had been proclaimed, its peaceable inhabitants would have been unprotected, and be exposed to the inroads of offenders who would take refuge in it from the disturbed districts. He did not complain of the Government for having so acted; on the contrary, he thought the explanation was satisfactory, and was to be considered in some measure protection to the peaceable and well-disposed in that peaceable barony; but was that a reason, that because it might become necessary to give protection to the peaceable and well-disposed, it must be accompanied by robbing the peaceable and well-disposed of one of their most valuable constitutional privileges—the free right to meet for the purpose of petitioning Parliament? And let the House recollect, that the meetings here prohibited were merely meetings for the purpose of petition. How could it be alleged by the Government, that any danger could arise from such meeting, when they considered it perfectly safe to hold any other political meeting whatsoever, even although the Lord-lieutenant might consider such a meeting dangerous to the public peace; and had very properly expunged the clauses which went to prohibit such meetings. He hoped the Government would reconsider this, and would see, that the restriction on meetings for the purpose of petition within proclaimed districts, as proposed by the learned member for Dublin, would be quite sufficient for every useful purpose—namely, that any such meeting might be held without interruption, after due notice to the legal authorities. This would enable Government to take every precaution against any breach of the peace, but would at the same time leave the subject the full exercise of his right to petition Parliament. It had been said, that any meeting might be held in a proclaimed district, provided it were convened by the Lord-lieutenant of the county, or the sheriff. To say that this gave any advantage to the people was pure delusion, for this Government had, in many instances appointed, as Lord-lieutenants of counties, men who were Tories, and the bitter enemies not only of the present Government, but of the constitutional liberties of the people, and many of the sheriffs were of the same party. Those men being of anti-popular politics, and viewing in a different light what the people considered as grievances, it was absurd to suppose such functionaries would aid the people to hold meetings for petitioning for redress of them; but even if those functionaries should call a meeting in a proclaimed district, the act prohibited the attendance of any person except a 20*l.* freeholder or upwards. Surely it could not be the intention of Government to continue a provision, which made it penal for any one under the rank of a 20*l.* freeholder to attend at a legally convened meeting. He was sorry to say, that the state of society was such in some parts of Ireland, arising from centuries of misgovernment, and the continued delay to redress her grievances, that some temporary extra measure was necessary to put down agrarian disturbances, and to protect the poor man and the farmer from the whitefeet outrages; he agreed with the hon. and learned member for Dublin in his view, that such a measure was protective to the lower classes, and would prevent crime; but he could not agree in what the member for the College of Dublin had said, that this only went to protect the Catholics, while it left the Protestant gentry and clergy without any protection; on the contrary, it protected every class and religion alike; but it was more immediately beneficial, no doubt, to the lower classes, because on them had the cruelty of the Whitefeet been most frequently exercised. The member for the University of Dublin had likewise, as was his custom, found fault with the Government for only renewing that portion of the Bill which had been recommended and approved of by the Catholic bishops and clergy. The hon. and learned Member had also attributed the growth and continuance of outrage to the spiritual influence of the Catholic priesthood; but it would have been well for Ireland, and well for England and the Government, had the advice of that body been more frequently attended to; and he was happy to see, that Ministers were at length beginning to find out, that the best preservers of the peace, of propriety and good order in Ireland, were the Catholic priesthood. He felt very thankful to the present Ministry for having expunged so much of the late Act, but while any portion of the objectionable principle remained, he should, although reluctantly, vote against them.

Mr. *Henry Grattan* agreed, that parts of this Bill were necessary, but other parts of it were mischievous. He did not deny, that it would stop the disease, but certainly it would not cure it. The evil was deep-seated; it was in the distress of the country, in the want of employment, and in the great population and distress of the people. Surely it was not surprising that there should be discontent and disturbance in a country where the great mass of the people were in a state of such extreme wretchedness. The hon. Member read letters from the county of Mayo, stating an instance of extreme persecution of tenants, and also a letter from the county of Monaghan, stating an instance where a number of people were most cruelly persecuted, because they would not send their children to a Bible school. Surely, under these circumstances, it was easy to see who were the real agitators. Were they not those who persecuted and oppressed the people? The hon. Member mentioned another instance, when 700 persons were by wholesale turned out upon the world. He did not think, that this Bill would effect the object which he had as much at heart as any one—the tranquillization of Ireland. A great number of the disturbances in Ireland arose out of tithe cases; and if the Government wanted peace in the land, they ought to protect as well as coerce the people. He could not support those clauses of the Bill which had been objected to. They ought to keep the absentees of Ireland at home; and instead of making that country a source of weakness, they ought to endeavour to make it a source of greatness to the empire.

Mr. *Callaghan* felt grateful to his Majesty's Ministers for the removal of the clauses of the Bill of last year, which were most decidedly hostile to constitutional liberty; but there were still provisions in the measure before them which would be deservedly unpopular in Ireland. He had in vain looked through the evidence for any justification of them. The only grounds on which they rested, were the Reports of stipendiary Magistrates and Constables, which were certainly not sufficient to rest a measure of this kind upon.

The House divided on the Question, that the Bill be now read a second time: Ayes 146; Noes 25—Majority 121.

Bill read a second time.

SUPPLY—BATTLE OF NAVARINO.] On the Motion of Lord Althorp, the House resolved itself into a Committee of Supply.

Mr. *Labouchere* moved, that a sum not exceeding 60,000*l.* be granted to his Majesty to enable him to bestow gratuities to the Officers, Seamen, and Royal Marines, present at the Battle of Navarino on the 20th of October, 1827.

Colonel *Davies* asked, whether the distribution was to be upon the same scale as that made to the fleet engaged in the battle of Algiers?

Mr. *Labouchere* said, that the precedent of the distribution relative to the battle of Algiers would be followed as nearly as possible upon this occasion. The distribution would be made, not under any Prize Acts, but according to the provisions of an Order in Council. The Commander-in-Chief would receive 7,888*l.*; the first class of officers, including captains, 1,068*l.* each; the next class 94*l.*; the next 61*l.*; the next 15*l.*; the next 6*l.* 3*s.*; the first class of seamen 4*l.* 10*s.*; the next class 3*l.* 2*s.*; and the last class, consisting of boys, 1*l.* 10*s.*

Mr. *Potter* said, that if he had known that so large a sum as 60,000*l.* would have been granted for this purpose, he never would have supported the proposition. He had understood the gallant Admiral to disclaim any share of the reward for himself.

Mr. *Labouchere* said, that if the distribution were to take place under the Prize Acts, the gallant Admiral's share would be larger than it was now proposed to be. It was intimated to the gallant Admiral, that the reduced allowance was considered sufficient, and he immediately admitted that it was.

Mr. *Sheil* thought, that the sum of 4*l.* 10*s.* was a pitiful allowance to the seamen. He wished to know, why the rule laid down as to prize money by the late First Lord of the Admiralty (Sir James Graham), by which a more liberal allowance would have been given to the seamen, had not been followed?

Mr. *Mildmay* said, that however the gallant Admiral might wish to avoid receiving any share of the reward, he was bound, for the sake of those who might succeed him in the service, to accept it. The hon. member for Wigan, who said, he would not have supported the proposition for rewarding the persons engaged in the action if he had thought that 60,000*l.* would have been appropriated to that purpose, seemed to measure his justice by the amount it would cost.

Mr. *George F. Young* objected to the proposed distribution by which the Admiral would obtain as much as seven years' pay, and a seaman only as much as two months' pay.

Mr. *Goulburn* protested against the principle on which the grant was made. It was establishing a dangerous precedent to make an action, entered into without the distinct authority of the Government, and in consequence of accident, of the same credit as battles fought in the discharge of instructions given to Commanders by the Government.

Lord *Althorp* had opposed the grant originally, but yielded to the almost unanimous feeling of the House.

Mr. *Goulburn* was sure, that the House would have yielded to the noble Lord if he had persisted in his opposition.

Sir *Edward Codrington* said, that he should have had more pleasure in pressing this vote to the utmost if he had been allowed to relinquish his share of the grant; but he had been told, that such conduct on his part would be an unfair precedent for officers who might be subsequently placed in a similar position as he was, and who might not be able to afford such a sacrifice of their claims. He thought that the distribution in the case of the battle of Algiers was a fair one to be adopted in the present instance, for the two battles were fought under circumstances remarkably similar. Lord Exmouth, in the former case received orders to negociate with the enemy, and in default of success by those means, to fight. He (Sir Edward Codrington) had received similar instructions: he had acted upon them, and it was not till the enemy had fired upon his ships that he acted hostilely towards them. He was prepared to show, that according to the instructions with which he was charged, it was impossible for him to act otherwise than he had done. He would trouble the House by reading the order which he issued to all the Captains of the ships under his command, which, after informing them, that the Ottoman Government had rejected the proposed armistice, which had been accepted by the Greeks, instructed them to "intercept every supply of arms or men which might be sent against Greece, whether from Turkey or elsewhere; but to take most particular care that any measures they might adopt against the Ottoman navy might not be such as to lead to general hostilities." These orders were in strict accordance with the instructions he had himself received from home. He read those instructions to Ibrahim Pacha himself, and showed him, that he could not do otherwise than he did, and the latter acknowledged that such was the case. The hon. and gallant Member concluded by expressing his sincere thanks to the House for their kindness in coming forward, forgetful of all party feeling, on the present occasion.

Mr. *Sheil* said, that in accordance with the views and sentiments he had already expressed, he should move, as an Amendment to the present Motion, in place of the words "to be distributed in such proportions as his Majesty in Council shall direct," the words "to be distributed according to the recent regulations for the division of prize money."

Mr. *Labouchere* interfered. The hon. and learned Member's Amendment would interfere with the undoubted prerogative of the Crown in the disposal of its bounties.

Colonel *Davies* said, that the proposed distribution was an extremely inequitable and unfair one.

Mr. *Labouchere* admitted, that the new prize regulations were much more fair and satisfactory; but it should be recollected, that the battle of Navarino was fought seven years ago, and any bounties which might be given on account of it should be distributed in accordance with the practice and expectations of the parties at the time.

Mr. *Sheil* said, it was very true, that the battle was fought before the new prize regulations were established; but it was also true that the present grant was to be made after these regulations had been adopted, and he could therefore see no reason in equity why its distribution should not be in accordance with them. He would persevere in taking the sense of the House on his Amendment.

Colonel *Davies* said, that there was no analogy between this distribution and that of prize-money. It appeared from the reply of the hon. Member for Taunton that the distribution in the case of Algiers was made out of the droits of the Admiralty, which were, undoubtedly, at the disposal of the Crown. But the present was a grant from Parliament, who had, undoubtedly, a right to have a voice in its distribution.

The Committee divided on the original Motion: Ayes 129; Noes 35—Majority 94.

The Vote was agreed to.

List of the Noes.

Barham, J.
Beauclerk, Major
Bellew, R. M.
Bish, T.
Blake, J. M.
Chapman, M. L.
Darlington, Earl of
Duncombe, T.
Evans, G.
Ewart, W.
Ewing, J.
French, F.
Gillon, W.
Gully, J.
Hughes, Hughes
James, W.
Jephson, C. [illegible] O.
King, B.
Kennedy, J.
Lister, B. L.
Lynch, A. H.
Nagle, Sir R.
O'Connell, J.
O'Connor, D.
O'Dwyer, A. C.
Phillips, M.
Potter, R.
Ruthven, E. S.
Ruthven, E.
Scholefield, J.
Vigors, N. A.
Walker, C. A.
Wallace, —
Williams, Colonel

TELLER.

Sheil, R. L.

A Vote of 100,000*l.* for allowances to the warrant and petty officers of the naval and military services, according to the new scale of 4*s.* per month, was agreed to after a few observations.

On the Vote for 12,232*l.* to defray the salaries of the officers and members of the household of the Lord-lieutenant of Ireland,

Colonel *Davies* moved a reduction of 1,070*l.* That sum was the amount of several small sums paid to the Attorney and Solicitor Generals, for which he saw no reason whatever.

Mr. *O'Dwyer* said, the gallant Member would find room enough for his display of economy in the English Pension-list without going to Ireland to cut down such a paltry sum. The reductions in Irish expenditure were already carried too far, and caused much dissatisfaction in Ireland.

Mr. Secretary *Rice* said, the present Irish Estimates were fixed by some of the stoutest economists in the House, and among them his hon. friend, the member for Middlesex.

Mr. *Ruthven* said, there could not be worse authority on Irish financial affairs than that very Gentleman. He carried his notions of retrenchment in Irish matters far beyond the mark. He might be a respectable Member and a useful economist in England, but a very bad one for Ireland.

The Committee divided on the Vote: Ayes 99; Noes 6—Majority 93.

List of the NOES.

Blake, J.	Vigors, N. A.
Davies, Colonel	Warburton, H.
Gillon, W. D.	Williams, Colonel
Ruthven, E.	

The House resumed.

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HOUSE OF LORDS,

Tuesday, July 22, 1834.

MINUTES.] Bills. Read a third time:—Capital Punishment; Newspaper Stamps (Ireland); Sale of Tea; Greenwich Hospital Annuity; Port of London Dues.

Petitions presented. By the Marquess of CLANRICARDE, from the City of London, for amending the Poor-Law Amendment Bill.—By the Marquess of BUTE, from the Shareholders of the London and Westminster Bank, in favour of that Bank.—By Lord SUFFIELD, from three Places, for Altering the Law relating to Arson.—By the Earl of RADNOR, from Fenstanton, against Altering the Sale of Beer Act; from Dunning, for the Separation of Church and State.—By the Bishop of GLOUCESTER, from South Carlton, against the Claims of the Dissenters.—By the Duke of WELLINGTON, the Marquess of CHOLMONDELEY, the Earls of SHAFTESBURY and WINCHILSEA, and the Bishop of GLOUCESTER, from a great Number of Places,—for Protection to the Established Church.—By the Bishop of GLOUCESTER, from the Clergy of Shaftesbury, for a fair Equivalent in Case of a Commutation of Tithes.

LIBELLOUS LANGUAGE.] The Marquess of *Westmeath* rose to move for the correspondence of which he had yesterday given notice, and asked if he, or any other noble Lord, should introduce a Bill into that House, to prevent Members of either House of Parliament from using slanderous language towards each other — the noble and learned Lord would give it his support? He could not conceive what right any person had, in the discharge of his public duty as a Member of the Legislature, to attack the character of another Member, whether of the same or a different House of Parliament. He was aware that a publisher or editor of a publication was liable to answer for the slander that might be inserted in his publication; but this was a course of proceeding which he (the Marquess of Westmeath) did not choose to have recourse to. It was high time that a stop should be put to the practice of which he had spoken. In the unfortunate state of the country with which he was more immediately connected, such was the state of party feeling that nothing was easier than to raise up a charge against an individual. Nothing more was needed than to get a letter inserted in the broad sheet, send it to a Member, and if that Member would use it in his place in Parliament, the accusation was published, and it went forth, to the serious prejudice of a party who had been thus innocently brought forward.

Lord *Wharncliffe* rose to order. There was no question before the House.

The *Lord Chancellor* said, that the noble Marquess was about to move for papers; "but," added the Lord Chancellor, "perhaps I had better now answer the question which the noble Marquess has put to me."

Lord *Wharncliffe* said, there was already an order of the House of Lords to prevent improper language or attacks being made. He begged to call the attention of the noble Marquess and their Lordships to that order. It was in these terms:—"To prevent misunderstanding, and for avoiding of offensive speeches, when matters are debating, either in the House or at Committees, it is for honour sake thought fit, and so ordered, that all personal, sharp, or taxing speeches be forborne."

The Marquess of *Westmeath* had nearly concluded all that he was about saying, when he was interrupted by the noble Baron. What he had to complain of was, that the attack could be thus made, and the mischief be done, and the individual, the object of the attack, might have had his life put in jeopardy, without having any means of proceeding against the party through whom it was thus made public. He thought it was a species of injustice which required some remedy, and it might, he was inclined to believe, be accomplished without trenching on the freedom of debate. The noble Marquess then concluded with moving for a copy of an extract from a letter written by himself, on the 2nd of May, 1834, to the Lord Lieutenant of Ireland, commencing with the words "I feel confident," and proceeding to the end of the letter—

The *Lord Chancellor* thought, that this was the first time that any motion had been ever made for a garbled or imperfect communication.

The Marquess of *Westmeath:* I am anxious to explain, my Lords, why—

The *Lord Chancellor:* Not now. The House would consider well before it made a precedent for an order worded as this Motion was, for a part of a letter.

The Marquess of *Westmeath:* I desire to explain, my Lords.

The *Lord Chancellor* said, it would be very convenient if only one noble Lord would speak at a time. The noble Marquess had asked him whether, if any one brought in a Bill to prevent Members of Parliament from slandering other persons, and he believed that the noble Marquess would not confine himself only to slander, he (the Lord Chancellor) would support that Bill? In answer, he would at once say, that he would not support any such measure; but, on the contrary, he should most decidedly oppose it. He would go further, and say, that he did not think the Parliament could pass such a Bill. It would be, in fact, virtually repealing the Bill of Rights. A most important, a most sacred section of the Bill of Rights, gave perfect impunity to every Member of Parliament, with respect to what he said in his place in Parliament; for that he was not amenable to any tribunal; and it was not possible that they could have absolute freedom of discussion if any line of limitation were marked out. If such a line were laid down, the privilege of speech in the great Council of the nation would depend upon the dictum of Judges, or upon the caprice of Juries. One Jury might think that was slander which another Jury might view in a very different light; so that there would be no end to nice and minute distinctions. There was one point, however, which ought not to be lost sight of. Under certain circumstances, an individual who felt himself aggrieved had his remedy—not a nominal remedy, but a remedy which was perfectly available, not merely against printers and publishers, but against Members of the Legislature themselves. If any Member took upon himself to print the slander which he had uttered, he was, to all intents and purposes, answerable for it. Such a person had no right to complain that he was so answerable, because the public would not be at all the worse if they did not hear those slanders, which was not the case with respect to discussions touching political affairs. As a proof of what he stated, he could adduce the case of a noble Lord, a Member of that House, who had made and who had published a libellous speech, for which he was sent to prison for two months. Another individual, a Member of the House of Commons, for whom he was counsel, made a speech in his place in that House, reflecting on the character of a tax-gatherer in the town of Liverpool, which he thought proper to publish. An incorrect account of what he had said had got abroad, and to show how untrue that account was, and to let those who were concerned know what he really did say, he caused his speech to be printed. It contained libellous matter; he was prosecuted for the publication, and he was convicted. It was in vain, that he pleaded the privilege of Parliament—it was in vain, that the late Michael Angelo Taylor made a Motion on the subject in the House of Commons. It was held, that he was not protected for publishing what he had said in Parliament, although he had made the statement without any malicious motive, his object having been merely to correct a mistake. That this was a great protection to the subject certainly could not be denied. Things were often said in the heat of debate, and he feared also not unfrequently with design and in cold blood, which ought not to have been uttered, but which, at all events, the parties introducing them ought not themselves to publish. He, however, would fain hope that the good sense, the feeling of propriety, and the just taste of the audience to which they were in the habit of addressing themselves, would correct the aptitude of giving way to hasty expressions. This they might hope for, but that any legislative interference could reach the evil of which the noble Marquess complained was, he conceived, utterly out of the question.

The Marquess of *Westmeath* regretted very much, that no means could be devised to shield unoffending individuals from the iron rod, the tyrannical scourge which was wielded by unprincipled men, who made use of the privilege of Parliament to send forth their calumnies with impunity. With respect to the Motion itself, he had shaped it in the way which had been suggested by his Majesty's Ministers.

The Motion, as amended upon the suggestion of Lord Melbourne, was agreed to.

CENTRAL CRIMINAL COURT.] Lord Wynford moved, that the amendments made by the Commons to the Central Criminal Court Bill be taken into consideration.

Motion agreed to. Some of the amendments, being verbal, were agreed to; but one altering the extent of the Bill was negatived.

Lord *Wynford* said, the present was the only opportunity which was afforded him of reminding the noble Lord on the Woolsack, that he promised, when this Bill was introduced, to take into consideration the propriety of granting some compensation to such officers as were deprived by its operation of their employment, and the noble Lord then admitted, that such a principle was fair and ought to be affirmed in all cases of reform in the institutions of the country. Now, this compensation had not been awarded to the Clerks of the Peace, the Clerks of Assize, and the other persons deprived of their offices by this Bill; and if such compensation were not granted, it would lay the House of Commons open to the charge of being ready to grant full compensation to the rich and powerful in such cases, whilst they denied it to the humble and needy. The omission of such a clause was, he thought, a great neglect on the part of the House of Commons. He should, therefore, beg to move, "That a Conference be demanded of the Commons, with a view to bring this subject more particularly under their consideration, in order that justice might be done to these deprived Clerks."

The *Lord Chancellor* agreed that, in all cases where persons were deprived of their offices to make way for any improvements and reform in the institutions, the loss sustained by them ought to be in part borne by the community at large; and it was with this feeling, that he had made the promise his noble friend alluded to. He was very sorry to find, that the Bill had come up from the House of Commons without any provisions for the compensation of the deprived clerks (of whom, by the way, he must observe, that the Clerks of Assize were provided for); the grant of some annual allowance had been proposed, and had been thrown out by a vote of the House of Commons, and he doubted very much if the House would retrace its steps in this matter. He should, however, make an application to the noble Lord in charge of the finances of the country, who, he knew, was disposed to do justice to these persons, to see whether it could not yet be done. The Motion for a conference he found would, if agreed to, be of no use, for the Commons, with that jealousy which characterised their proceedings in money matters, would inevitably refuse to confer with their Lordships on such a subject; and perhaps, after all, the only way to amend the omission would be by the introduction of some Bill for the purpose next Session.

Lord *Wynford* was satisfied with the view taken by his noble and learned friend, and would not press the matter.

PUNISHMENT OF DEATH FOR THEFT.] Lord *Suffield*, in moving, that this Bill be read a first time, reminded their Lordships, that on a former evening he had stated, that he understood it to be the intention of the noble and learned Lord on the Woolsack to introduce in the next Session of Parliament a more general measure for the mitigation of the Criminal Law, which should embrace, among others, the offence of letter-stealing, lately excepted from another Bill, which had just passed their Lordships' House. He hoped that such measure for removing the punishment of death, when brought forward, would be of a very comprehensive description.

The *Lord Chancellor* said, that it would be advisable that some general and systematic measure upon this subject should be introduced; because, when a Bill of this kind originated with one person, however good the intention, it was likely to differ from the measure introduced by some other person of similar good intention; and, moreover, such alterations of the law sometimes went so far, that they were driven to alter another part of the law which, originally, they did not mean to alter. It was for this reason that he approved of the Bill lately before their Lordships being restricted to repealing the capital punishment for returning from transportation; the change it effected was a limited one, for the sentence would not be found to have been carried into effect on referring back for the last fifty-two years, and perhaps not within the memory of man. A general and systematic report would be prepared by the Criminal Law Commissioners appointed last year; and, said the noble and learned

Lord, "I pledge myself, that as soon as this Report shall have been duly considered,—I pledge myself—to bring in a general measure, without waiting for the other House of Parliament, and at such a period of the next Session as will leave your Lordships plenty of time for its due consideration." Such a measure would proceed with a much better grace from their Lordships, who formed the highest branch of judicature in the empire, than from any other branch of the Legislature; and with the understanding, therefore, that the measure which he promised should embrace the whole subject of Criminal Law, perhaps the noble Lord would consent to postpone his Motion. If in the recent measures for mitigating the severity of the law, it should be proved, that the Legislature had erred in going too far (not that he had reason to suppose the fact would turn out so), he would not pledge himself to confirm such changes.

Lord *Wynford* was indebted to the noble Lord on the Woolsack for what had just been stated by him, and affirmed, that in a few years he doubted not to see such a system of secondary punishments in force as would render the punishment of death an occurrence of great rarity.

Lord *Suffield* was glad to hear the declaration of the noble and learned Lord on the Woolsack as to his intention to introduce a general measure for the mitigation of the Criminal Law; but, in reply to his last observation, he (Lord Suffield) thought there was no danger of its turning out that the Legislature had committed an error in already having proceeded too fast, or too far, for, on investigation of the official criminal returns for the last three years, as compared with a preceding period of three years, it would be found that so far from danger having arisen by mitigating the punishment of death, it had had the salutary effect of repressing the commission of crime; for it was proved, and it was a most important fact, that in these cases of mitigated punishment, the aggregate commitments for offences had increased only two per cent over the former three years, while the crimes still punished with death had increased to the enormous extent of forty-four per cent in the same period, notwithstanding the executions.

The Bill was withdrawn.

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HOUSE OF COMMONS,

Tuesday, July 22, 1834.

MINUTES.] Bills. Read a first time:—Arms Importation (Ireland).—Read a second time:—Four Courts (Dublin); Royal Burghs (Scotland); Burghs (Scotland).—Read a third time and passed:—Prisoners' Counsel; Highways.

Petitions presented. By Mr. SANFORD, from Wellington (Somerset), for the Better Observance of the Sabbath; from two Places, for altering the Sale of Beer Act; from Uxbridge, for Protection from Incendiarism.—By Mr. HODGES, from Sandridge, for Protection to the Established Church.

GREAT WESTERN RAILWAY.] Lord G. Somerset moved, that the Amendments made in the Committee be read a second time.

Mr. *Robert Palmer* rose to oppose the Motion. The principal grounds of objection to the proposed rail-road were, that the line was incomplete, and that no security was afforded to those who embarked their capital in the project that it would ever be completed. The original prospectus stated, that the line of road would extend from London to Bristol, whereas it was now proposed to carry it from London to Reading, and from Bath to Bristol only, leaving no sort of communication between Reading and Bath. He had opposed the principle of the Bill, upon the second reading, on these grounds, that it was suffered to go into a Committee, and after having been there for the unprecedented space of fifty-seven days, it presented a much stronger case in favour of the opponents to the measure than existed before. It was originally proposed, that Vauxhall should be the London *terminus* of the projected line; but in order to avoid the opposition of two noble Lords and some hon. Gentlemen, that course was abandoned, and it was now proposed, that it should have one termination at Brompton. It became necessary for the promoters of the measure to show, in the next place, the great public utility of carrying the road only as far as Reading in the first instance, contrary to the scheme proposed in the original prospectus. For this purpose, a great variety of evidence was entered into by the promoters of the Bill, and when their case had closed, and the evidence on the part of the opponents of the Bill was brought forward, the parties who bore testimony to the injurious effects of the project were as respectable in their character, and as well acquainted with the interests of the town of Reading, as those who had given evidence in its support. It was proved by them, that there was no town in the kingdom more conveniently situated for commercial intercourse, both by land and water, than the town of Reading, nor any place that stood less in need of the proposed rail-road. It was a somewhat curious fact, that in the list of subscribers to the scheme which proposed to carry the line no further than Reading, there was a very small number of persons residing there whose names appeared as shareholders in a project which was to confer such inestimable benefits on the town. It was commonly the case, that where great advantages were expected to result from any proposed scheme, the inhabitants of the town were extremely eager to become subscribers to it. He recollected very well when it was proposed to light the town with gas, and 10,000*l.* was required for the purpose, it was not found necessary to resort to persons residing at a distance from the town to complete the subscription. No; it was raised in the town, because it really was a benefit to it; and if this scheme were of any real advantage to the people generally, the subscribers would have been as numerous as they were in London or any other part of the country. There was a great difference of opinion among those who had made an estimate of the sum required to carry the rail-road into effect, as to the amount that would be actually necessary, and the evidence given upon that part of the question was of a most conflicting character. It appeared also, from the evidence, that of the proprietors of the soil through which the rail-way was proposed to run, those who possessed by far the greater portion were hostile to the project. It was shown, that out of twenty miles of the line the landed proprietors to whom two miles belonged assented to the rail-road, those dissenting possessed fifteen miles, and the neutrals, three miles. From the county of Middlesex alone, seventeen petitions had been presented against it, which showed the feeling entertained by the proprietors of the soil in the small part of that county through which it would pass. It was said the south of Ireland would experience great benefit from the railway, and he did not deny that a perfect line of road to Bristol would be of considerable advantage; but he would ask whether that benefit would not be conferred by a measure to which the House had already given its sanction—he alluded to the London and Southampton Rail-way? The objections to the Bill were so numerous, that he hoped the House would never give its sanction to it, particularly when it was considered that this was not a "great western rail-way," and that no assurance was given to the public, that the line would ever be completed, or the money necessary for that purpose would be raised. The hon. Member concluded by moving, that the Amendments be read a second time that day six months.

The Marquess of *Chandos* seconded the Amendment. The Bill, as now shaped, was totally different from the original project, and he concurred in what had fallen from the hon. member for Berkshire.

Mr. *Gore Langton* gave his most strenuous opposition to the measure. Instead of proving advantageous to the West of England, it would have a diametrically opposite effect. Moreover, it was a most unconstitutional proceeding, and a gross invasion of the rights of private property.

Sir *Richard Vyvyan* gave the Bill his most cordial support. The evidence taken before the Committee was, he stated, of a most conflicting nature; yet it established this fact beyond dispute, that fifty-eight miles of the whole extent of road passed through the lands of those who either assented to the measure or stood neuter, and twenty-one miles through the lands of those who dissented. He would remind the House, that in the Birmingham rail-way the possessors of seventy miles of the road dissented, and forty-two only assented, and yet that Bill had passed, by a great majority. The case made out in support of that Bill was far inferior to the claim of the supporters of this. The hon. member for Berkshire had expressed his surprise that no interest had been taken by the town of Reading, upon which so much benefit would be conferred. He denied, however, that no interest had been taken by that town in the project. Had not a petition, signed by the mayor and 800 of the inhabitants, been presented in favour of the measure? One of the hon. members for Reading had taken a very active part in the Committee on behalf of the scheme; and it could not be supposed he would have done so if it would have been of no advantage to his constituents. He supported the measure because he believed it would not only confer great benefit on the city of Bristol, but because it would confer equal advantages upon Devonshire, Cornwall, Somersetshire, and the whole of the west of England, as well as that it would be of the utmost importance to the south of Ireland. He believed the objection of the great landed proprietors of Berkshire was not confined to this particular road; but that they opposed in the abstract every improvement effected by means of a rail-road throughout the kingdom. He was fully aware, the original intention was to have carried the line of road directly from London to Bristol; but it was afterwards considered inexpedient, and that it would be much better to proceed according to the course now proposed, inasmuch as it was considered that the permission to establish a rail-way between London and Bristol having once been obtained, there would be less difficulty in obtaining the means to complete the entire line. He trusted, that the Bill would come as safely out of the House as it had out of the Committee, feeling convinced it would confer as much benefit upon the west of England as the Liverpool rail-way had conferred on that part of the country through which it ran.

Mr. *Mildmay* was of opinion it would be much better for the south of Ireland if the Bill were not suffered to pass. The House had given its consent to the establishment of a line of rail-road, which would be entirely destroyed if the present scheme succeeded. The landowners had been taunted with coming forward from interested motives, merely to protect their own interests. This was a very serious complaint, because it so seldom happened that the manufacturers, or any other class, were actuated by similar motives. He hoped the House would never sanction so imperfect a measure, which, like a "scotched" snake, with only a head and a tail, and no middle, the projectors imagined would join together of itself, and which, instead of conferring any benefit on the west of England and the south of Ireland, would destroy itself, and another rail-way, that promised the greatest advantages.

Mr. *Methuen* did not impute to the promoters of this measure any intention wilfully to deceive the public; but he assured the House the inhabitants were deluded into a belief that the rail-road would pass through those towns, or they would never have given their support to the project. He had just received a letter from Trowbridge, and he believed it fairly represented the feelings of all the towns in that part of Wiltshire, declaring they had been grossly deceived, and calling upon him to give the measure his most decided resistance. Seeing, therefore, that the general feeling of his constituents was opposed to the Bill, he considered it his duty to give it all the opposition in his power.

Lord *Lowther* was not one of those who were hostile to the formation of rail-roads in the country. He had himself afforded considerable assistance in passing the Birmingham and Liverpool rail-road, considering them a great improvement to the commerce of the country; but he should oppose the present Bill, because he viewed it as the most offensive and annoying line that could possibly have been proposed. He was of opinion, if the line had commenced at Paddington instead of Brompton, it would have produced much greater advantages to the metropolis, from being a more central point.

Lord *Granville Somerset* totally differed from the view taken by the noble Lord who last addressed the House. The noble Lord had said this was the worst line of road that could have been selected. He gave the noble Lord credit for a great deal of general information, but if he had heard the evidence of ten or twelve very eminent civil engineers, who entertained very different opinions, each having a proposition of his own, and treating the others with contempt, the noble Lord would agree with him, that the recommendation of the Committee was the best course that could be pursued. He believed there was no measure more calculated to be productive of benefit to that part of the country through which it was intended to pass, as well as the whole of the west of England and the south of Ireland; and yet no scheme had ever met with such great and unwearied opposition.

Mr. *Baring* was friendly to a rail-road communication between the metropolis and the west of England, but thought, if two schemes of the same kind were attempted, they would necessarily destroy each other. He did not know which was the best, but as one had already been sanctioned by the Legislature with little or no opposition, and as the other was hostile to the wishes of nine-tenths of those whose property would be affected by it, and was imperfect, he should vote against it.

Sir *Charles Burrell* supported the Amendment, observing, that as the measure had only passed the Committee by a majority of six out of fifty-eight, the decision of the Committee ought not to have very great weight with the House.

Mr. *Pease* said, he should vote for the principle of the Bill, as it had passed the Committee by what he considered a great majority, after a long and deep consideration.

The House divided on the original Question:—Ayes 83; Noes 55: Majority 28.

The Amendments were read a second time.

BUSINESS OF THE HOUSE.] Lord *Morpeth* moved, that for the remainder of the Session Orders of the Day should take precedence of notices. The noble Lord observed, that whatever arguments he had employed on the former occasion of his bringing this Motion forward were now much strengthened by the advance of the Session.

Mr. *George F. Young* objected to the proposition of the noble Lord, as palpably unjust to those Members who had not had an opportunity of bringing forward their Motions, particularly as a critical attention to the Orders showed that they were in many instances no better entitled to the attention of the House than notices. Another reason for his objecting to it was the impracticability of the scheme, for those Members who were disappointed in bringing on Motions in the usual way would certainly bring them on as Amendments on the Orders of the Day.

Mr. *H. Hughes* hoped the noble Lord opposite would not press a Motion that was aimed at the privileges of the House.

Colonel *Evans* agreed with the hon. Member who had last spoken, and thought it absurd to contend against the addition of two or three days to the Session, when that would be ended in ten or eleven days, or at any rate in a fortnight. He had no doubt the hon. Gentlemen opposite would do all they could to shorten it; but the privileges of the House were of more importance than the curtailment of the Session.

Mr. *Sheil* observed, that the Motion came recommended by high authority, as it was brought forward by the son of one Cabinet Minister, and seconded by the son (the Earl of Kerry) of another. Ministers were to blame if the Session was too much advanced. They had had a recess of three weeks to forget their official cares, while Members of the Opposition were believed from their assiduous attention to the interests of the people. As the Government had been happily instrumental in producing this delay, they ought not to complain of it.

Sir *Henry Hardinge* was in favour of the motion, but feared it would not succeed in its aim, if notices were brought forward as Amendments on the Orders of the Day.

Lord *Althorp* said, that if the Motion did not meet with the general consent of the House, it would be perfectly useless; but if hon. Gentlemen would really consider what Motions might be brought on without disadvantage next Session, and if they would consent to withdraw mere abstract questions, an understanding might be come to, which would make the motion of his noble friend unnecessary.

Mr. *Hume* hoped that the noble Lord would not call on the House to come to any such understanding. He trusted the House would not give up its rights.

Mr. *Littleton* said, he would prefer having a general understanding at the close of the Session to a precise arrangement. He should wish it to be understood, that it was the opinion of the House collectively that the Orders of the Day should be proceeded with as speedily as possible.

Mr. *O'Connell* thought, that it would be advisable to have all bills withdrawn which had not been read a second time, as there was no chance of carrying them this session. He hoped they would all put their shoulders to the work, and endeavour to get through it with all possible despatch. The Irish Tithe Bill alone would take a considerable length of time.

Lord *Morpeth* would be unwilling to press his Motion to a division against the sense of a majority of the House. He was willing to put it amended after the following manner:—"That for the remainder of the Session Orders of the Day should take precedence of notices on every day of the week, excepting Thursday." If this were not agreed to, he should certainly divide.

The House divided—Ayes 85; Noes 45: Majority 40.

List of the NOES.

Arbuthnot, General
Barnard, E. G.
Baring, H.
Bernal, R.

Blake, Sir F.
Blake, M.
Bruce, Lord E.
Callaghan, D.
Clay, W.
Duncombe, T.
Evans, Colonel
Fancourt, Major,
Grattan, H.
Gronow, Captain
Hardinge, Sir H.
Hughes, W. H.
Jones, Captain
Kennedy, J.
Langdale, Hon. C.
Lincoln, Earl of
Nagle, Sir R.
Oswald, R. A.
O'Connor, F.
O'Conor, Don
O'Connell, D.
O'Connell, M.
O'Connell, John
O'Dwyer, A. C.
O'Grady, Colonel
O'Reilly, W.
Palmer, R.
Parrot, J.
Perceval, Colonel
Perrin, L.
Potter, R.
Roche, W.
Ruthven, E.
Scholefield, J.
Sullivan, R.
Tancred, H. W.
Young, G. F.
Wallace, R.
Walker, C. A.
Wilks, J.

TELLERS.

Hume, J.
Sheil, R. L.

COMMISSIONS OF INQUIRY.] Mr. *J. Kennedy* said, it might appear ungracious of him to proceed with his Motion after the vote to which the House had just come but he did so without the intention of pressing it. He was only anxious to obtain information, and he felt, that the question was not likely to occupy much time. He proposed to move for a Select Committee to consider the expenses incurred and the services rendered to the country under the several Commissions of Inquiry, and certain other Commissions now existing, with a view to the discontinuance of such as shall be found unnecessary or inexpedient, particularly that for building additional churches. He was aware that at this late period of the Session he could not expect that a Committee would be granted; but he was most anxious to call the noble Lord's (Lord Althorp's) attention to the subject, which was one of very great importance. A number of Commissions were now in existence, and had been in existence for a long time past—the Charities Commission, the Corporation Commission, the Record Commission, the Law Commission, and the Commission for building additional Churches. Now, he should wish much to know what were the merits and what were the benefits which had arisen from these Commissions to compensate the country for the immense sums of money which had been expended. By the one Commission—that for building additional Churches—1,500,000*l.* had been expended, and Church-rates had been increased. As to the Corporation Commission, the result of it had very much disappointed the country. Those towns which had unpopular corporations were very much irritated at the delay. Now, what he wanted to know was, whether this Commission was to be suffered to go on at an expense of 100*l.* a-month for each of its Members, or whether some understanding should not be entered into to the effect that their Report should be ready next Session. The cost of it indeed, was enormous, when the aggregate expense was stated. The Commissioners were twenty in number, and their salaries, together with all expenses, amounted to nearly 3,000*l.* per month. This single Corporation Commission would cost the country about 70,000*l.*; and what possible advantage could be expected from it to compensate such an outlay, when by the adoption of a Bill similar to that which he proposed last year, extending the Corporation Reforms into England which had been introduced into Scotland, the end might at once have been easily obtained? That course however, had not been pursued; the Report of the Commissioners, should therefore be brought forward as early as possible. He should content himself with merely bringing his present Motion before the House, refraining from pressing it, but at the same time hoping that the attention of the noble Lord might be drawn to the subject. He begged leave to move—"That a Select Committee be appointed to consider the expenses incurred, and the services rendered to the country, under the several Commissions of Inquiry now existing, and also under that appointed by virtue of an Act of 58 George 3rd, c. 45, intitled 'An Act for building and promoting the building of additional Churches in populous parishes,' and also that of Public Records, appointed the 12th of March 1831."

Mr. *Hume* seconded the Motion. His hon. friend could not have a Select Committee this Session, but he wished the noble Lord would make inquiries during the recess touching the slow progress of those Commissions. He particularly alluded to the Law Commission and the Charities Commission.

Lord *Althorp* observed, that as the hon. Gentleman did not propose to press for a Committee this Session, it was unnecessary for him to say a word upon the subject. He concurred with the hon. member for Middlesex in stating, that from what came out on the Finance Committee much time had been lost by the Charity Commission. He hoped, that these Commissioners were now proceeding in a different manner. He thought the best principle on which Commissioners could be paid was not by annual salary, but by so much for the inquiry altogether. It was on this latter principle the present Government had always proceeded. With respect to the Corporation Commission, the inquiry in which they were engaged was one which could not be satisfactorily carried on by a Committee of the House for that had been tried. He admitted, that the progress of the Commission had been rather slow, but then it was desirable that when the question concerning corporations came before them, as it would next Session, that the Report of the Commissioners should be so full as to enable them to legislate forthwith upon the information which was supplied; and the labours of the Poor-law Commissioners he might remark were of such advantage, as to show that a Commission was not an undesirable mode of bringing information before the House. He considered that it ought to be made the interest of the Commissioners to be diligent, and moreover, they should be inspected. In conclusion he must say, that he was not one of those who regarded a Commission as a bad mode of prosecuting an inquiry.

Colonel *Evans* hoped, that when the Report of the Corporation Commission was brought before the House, they would not be called upon to decide upon its merits, to come to a result in the same hasty way in which they had been compelled to do with respect to the Report of the Poor-law Commissioners. That Report was very voluminous, and yet before some of the volumes were published, they were called upon to come to a decision. He trusted that this would not occur again; but that, in the instance of Corporation inquiry, proper time would be given for consideration and deliberation before they were forced to legislate.

Sir *Henry Hardinge* observed, that the system of acquiring information by Commissioners was a desirable one; but that the efficiency of the mode depended upon the character and efficiency of the persons employed. It would appear from public report, that some very improper persons had been placed upon the Corporation Commission.

Mr. *O'Connell* suggested, that there was another ingredient wanting to secure the efficiency of a Commission—namely, sufficient authority. The Commissioners should be entitled to examine witnesses upon oath, and to commit those for contempt who refused to give testimony when called upon. Corporators anxious to shield abuses from the view, he stated, had obstructed the progress of the Commissioners, and made some of them appear inefficient who, if they had had sufficient power, would have done good service.

The *Attorney General* said, that the Law Commissioners had honourably and beneficially proceeded with their labours for the last three years, without pay or the expectation of pay. He stated, without answering for individual members of the Corporation Commission, that the body in general had been most carefully selected by the Government. It should be recollected, that since the days of the Conqueror, when the Doomsday-book was compiled, no such extensive Commission as this Corporation Commission, had been issued.

Sir *Robert Peel* said, that the services of the Law Commissioners had been most disinterested and most valuable for the last three years, and he knew not on what principle it was, they were unrewarded. His experience did certainly contradict the common charge preferred against lawyers, of being unwilling to improve the law. As to the hon. Gentleman's Motion, he thought it a very proper one, and hoped he would renew it next Session. He would advise him, however, to alter the terms. He did not think " services " was a good word. It was too vague. It would be difficult to Report concerning " services." He would suggest to him to move for a Select Committee to inquire what practical recommendations had been made by the several Commissions, and when and to what extent they had been carried into effect by the Legislature. While expressing his approbation of Commissions as a mode of obtaining information in certain cases, he must at the same time express his hope that they might not fall into the constant habit of making use of Commissions, and so throwing their own business upon other shoulders. It was difficult, he admitted, to make a general rule on the subject. Measures, however, should be taken to prevent the constant recurrence to Commissions, which would leave the

House occupied only with party disputes. The House should be, in order to do business properly, familiar with the consideration of details, as well as with that of principles.

Mr. *Wilks* bore testimony to the dissatisfaction which generally prevailed on account of the slowness of the Corporation Commission and other Commissions, especially the Charity Commission.

Motion withdrawn.

FOREIGN COMMERCIAL RELATIONS.] Mr. *Hume* rose, according to notice, to move that Copies of the Report of Messrs. Villiers and Bowring on Foreign Commercial Relations, and of the Reports from the Commissioners of Inquiry into the Excise, be laid before the House for the use of the Members. The hon. Member observed, that the first Commission in question had been appointed in the year 1831, and the information which they had collected was necessarily of a highly interesting and valuable nature, yet, up to the present moment, no Copies of it had been placed in the hands of the Members of that House. It appeared from part of the Commissioners' Report, that the Government of France had evinced every disposition, far beyond what had been expected of them, to follow the example of England in the liberal policy which she had recently adopted. He hoped, therefore, that the noble Lord opposite would continue in the course he had commenced, and forthwith remove the shackles and impediments which still remained to interfere with it. With regard to the Excise Commission, eight Reports were understood to have been already sent in by them. He wanted to know whether Government had acted upon, or intended to act upon, any of their recommendations? In any case it was highly important that Members should make themselves masters of the subject before Parliament reassembled, and he hoped the Reports in question would be put into their hands.

Mr. *Poulett Thomson* said, his hon. friend could not be more anxious than he was himself that the highly valuable Report of Messrs. Villiers and Bowring should be perused without unnecessary delay by the House. He believed he could show, however, that no blame could fairly be attached to him, or any in his office, for the delay which had hitherto taken place. It was some time since he (Mr. Thomson) had moved for the production of the Report in question, and he had subsequently presented it to the House. There was this circumstance to account for the printed Copies not having been delivered to hon. Members as expeditiously as might have been expected by them, that the Report was not printed by the ordinary printer of the House, but by one employed by the Board of Trade. Another cause of delay was, that the proofs of important and laborious tables, &c., had to be sent to Paris for revision, in order to ensure their accuracy. Notwithstanding these circumstances, however, he had been enabled on the 7th of the present month to send down 700 Copies of the work to the Vote Office of the House, as a first step towards their distribution amongst hon. Members. Some accident or oversight had doubtless delayed their delivery from thence up to the present period.

Mr. *George Frederick Young* admitted, that the establishment of a more liberal commercial policy between France and England was highly to be desired, provided both countries united in carrying such liberal views into effect. But he thought that a commercial treaty would be a far better mode of ensuring such a mutual line of accommodation than by leaving it to the discretion of France to follow or not as her government pleased the liberal policy which England had already extended to her.

Mr. *Hume* complained, that the servants of the House should have neglected to deliver the Copies of the Report in question, which, it appeared, had been in their hands some time.

The *Speaker* explained to the hon. Member, that any papers or Reports which were printed by the parliamentary printer, and under the authority of the House, it was the duty of himself, as Speaker, to cause to be distributed without delay. But papers which, like the present Report, were printed by the Government it was the business of Government to distribute; and they had just as much, and more, means of so doing as he or the House had. The Report in question had been sent down to one of the officers of the House, without any communication having been made to the House of such having been done. There, therefore, existed no authority by which the printed Copies could be distributed by the servants of the House. If, however, the House gave him their authority he would certainly undertake to have them distributed.

Motion withdrawn.

BONDING SYSTEM.] Lord *Sandon* moved for Copies of all the correspondence between the Board of Trade and the Boards of Customs and Excise, on the subject of extending to inland towns the privilege of bonding or warehousing. The noble Lord observed, that he would not enter into the details of a subject which was so soon to be brought before the House. He wished to inquire of the noble Lord (the Chancellor of the Exchequer) however, whether it was the intention of Government to persevere in making alterations, which would so much interfere with very valuable properties in many towns, Liverpool amongst the number.

Mr. *Poulett Thomson* said, he would show to morrow, when the Bill was to be brought on, that the present proposition should not be adopted, as being calculated to destroy that confidence between the several Boards alluded to, and that confidence between local and inferior departments of Government and the superior, the violation of which tended to impair the public service. It was quite wrong to forestal the discussion that should take place to-morrow. He must oppose the noble Lord's Motion, as to grant it would put an end to all confidential correspondence between the Ministers and the persons under them.

The Motion was withdrawn.

COURT OF CHANCERY—(IRELAND.)] The *Solicitor General* moved, that the House do resolve itself into a Committee, to consider of compensation to officers in the Court of Chancery in Ireland, for losses they may sustain by the Bill for the Amendment of the practice of that Court.

Mr. *Hume* thought, that the course proposed to be pursued by the hon. and learned Gentleman was truly an Irish way of doing business. They were called upon to go into a Committee that night, and to-morrow they were to receive the information upon which the Motion for that Committee was founded. He would, however, prefer a more simple, and, at the same time, a more regular course. As the question now stood, he felt that they had not sufficient information upon which to act. The hon. and learned Gentleman ought to be prepared to lay before the House the loss sustained by each individual to whom compensation was proposed to be given. This, however, the hon. and learned Gentleman had not attempted to do, and therefore he (Mr. Hume) must oppose the Motion for going into a Committee.

Mr. *O'Reilly* was anxious to support the Motion, as he considered it preliminary to a Reform in the Irish Court of Chancery.

Mr. *O'Connell* thought the measure highly useful, and one which did not admit of delay. The alterations now in contemplation, would have the effect of making Chancery suits both expeditious and cheap — two great points most desirable to be attained.

Mr. *Francis Baring* said, the plan proposed was, that there should be submitted to the Lords of the Treasury, the amount of compensation considered to be due to each individual, and that they should be at liberty to deal with each case as they thought fit and just.

Mr. *Feargus O'Connor* was opposed to any measure having for its object the granting of compensation in cases of this description. The true supporters of Reform were bound to oppose all unnecessary expenditure, and upon that ground he would oppose the Motion.

Mr. *Lynch* said, the question for their consideration was, whether any compensation ought to be given, and if so, what the amount of it ought to be in each case. That some compensation ought to be given where injury was suffered, was a point upon which he thought very few hon. Members would entertain a difference of opinion.

Mr. *Hume* said, he understood that six officers in that Court had given 43,000*l.* for their offices, and therefore it was to be presumed, that those offices were of a highly lucrative description, and that they had been no losers by their bargains.

The House went into a Committee, and Resolutions for granting compensation to certain officers of the Irish Court of Chancery (to be charged on the Consolidated Fund) were agreed to.

The House resumed.

SUPPRESSION OF DISTURBANCES (IRELAND).] Lord *Althorp* moved that the House should resolve itself into a Committee upon the Suppression of Disturbances' (Ireland) Bill.

Mr. *Barry* had a petition to present from a district in the county of Cork, praying that that Bill might not be renewed.

Mr. *Hume* observed, that having voted against every clause of the former Bill, he felt equally called upon to give his opposition to that before the House, although it was presented to them deserted of its most objectionable clauses. There were still, however, some clauses in it so objectionable, that he was determined to resist them. The clauses to which he more particularly alluded, were the 12th and the 28th, the one taking away from public officers all responsibility, and the other requiring the sanction of the Lord-Lieutenant to the holding of meetings to petition that House for a redress of grievances. The Bill, but more particularly those clauses of it was, in his opinion, altogether uncalled for, and calculated to irritate and render discontented the people of Ireland. As to the clause taking away responsibility from public officers, he thought it one of a most mischievous tendency. It ought to be known throughout Ireland as well as in this country, that every public servant, from the Crown down to the most humble individual, was responsible for his public conduct. He hoped the noble Lord would consider this matter before he pressed these clauses.

Mr. *O'Connell* said, it was not his intention to divide the House in that stage of the proceedings, as it was his intention to move the omission of certain clauses when the Bill went into Committee. He would, however, take leave to assure the noble Lord opposite, that this measure was a bad remedy with which to attempt to allay or soften down the irritated feelings of the Irish people. If the noble Lord wished to take such a course, he would advise him so to mitigate the Bill as to render it merely a prohibition of, or a punishment for, agrarian disturbance. For God's sake, let it not be said, that the English Legislature was only known to Ireland by the severe, oppressive, and persecuting measures which it enacted against that unhappy country.

The House went into a Committee.

On the first Clause of the Bill being read, to renew the Bill till next year,

Mr. *O'Connell* said, he was aware that if the Bill were to be enacted at all, it must pass into a law before the first of August. As it now stood, it was merely a renewal of certain clauses of the Act of last year, with certain indefinite exceptions. Some of the clauses still remaining in the Bill he was determined to oppose.

Mr. *Feargus O'Connor* was determined to oppose the Bill, no matter in what shape it might be brought under the consideration of the Committee. He would oppose it clause by clause, line by line, because he felt convinced that it was altogether uncalled for.

Mr. *O'Connell* asked his hon. friend whether, after having opposed the first clause and defeated it, he would go on to oppose the second, which would then become the first?

Mr. *Feargus O'Connor* said, he was at a loss to understand the meaning of the laugh which had been raised against him, and he was equally at a loss to understand how his hon. and learned friend, the member for Dublin, could point out the course he (Mr. O'Connor) meant to take. He would certainly oppose the first clause, and the second clause, and every other which he felt injurious to the feelings and interests of his country.

Mr. *Barron* supported the Motion, and quoted the evidence given by Dr. Doyle, and the reverend Mr. O'Connor in support of his views, that the measure was necessary. He was prepared to oppose that part of the Bill which went against the right of petitioning, inasmuch as he considered it the safety-valve of the Constitution. If you coerced the people, you would drive them to secret associations, than which nothing could be more dangerous. He would put down predial disturbances, but not the right of petitioning. He believed this Bill, with some modifications, and as a temporary measure, would prove a measure of protection and not of coercion.

Mr. *Feargus O'Connor* said, if all the priesthood in Ireland, and Dr. Doyle to boot, supported the Bill, he would not do so against his conscientious conviction. He must say, that he stood in that House as the Representative of one of the most peaceable counties in Ireland.

Mr. *Ruthven* objected to the clause as unnecessary,

The Committee divided:—Ayes 90; Noes 21; Majority 69.

The second Clause was agreed to.

Mr. *O'Connell* rose to propose the modification of which he had given notice. The first clause of the Act to which he had to call the attention of the Committee, was the eleventh. It provided, that it should be unlawful in any proclaimed district to hold any meeting, whether for the purpose or under the pretence of petitioning Parliament or otherwise, unless ten days' previous notice had been given, and the assent of the Lord-lieutenant had been expressed in writing. Such a clause he considered totally unnecessary, and as it was impossible to deny, that it was exceedingly unconstitutional, he trusted there would be no objection to modify it so as not to prohibit meetings convened for the mere purpose of petitioning Parliament. By the Bill, the Lord Lieutenant could capriciously proclaim any peaceable district, and he had proclaimed the city of Kilkenny without any other grounds than an alleged convenience. In such cases, the right of petitioning was taken away. All he proposed was, to keep so much of the clause as would enable the people to petition Parliament in meetings convened without the disapprobation of the Lord-lieutenant. He wished to license no meetings but those held for the purpose of petitioning Parliament; and all he contended for was, that in disturbed districts, no meeting for petitioning Parliament should be prevented, if ten days' notice of it was given to Government. By the first and second of William 4th, which embodied all the Whiteboy Acts, it was provided that a person making use of inflammatory language, to excite any one to the commission of disturbances, or any Whiteboy offence, should be liable to transportation. They had, therefore, a very good safeguard against the introduction of exciting topics at meetings convened to petition Parliament on subjects connected with the Church and State. By the previous notice of the meeting, the Government would be enabled to send their policemen and note-takers to the assembly, and the law left the power of adopting a legitimate course for punishing any one who was bold enough to make use of inflammatory language. He submitted, therefore, to the House, that the law was strong enough as it stood. He had drawn up a clause to the effect, that all meetings should be held for the purpose of petitioning Parliament, provided ten days' notice of the meeting was given to the Government.

Mr. *Littleton* said, it would be highly inexpedient to omit the clause as it stood in the Bill. There was no practical evil, in consequence of no political meetings having taken place in the proclaimed districts; and, so far as that went, he could not accede to the Amendment of the hon. and learned Gentleman. He should be sorry to throw any obstacles in the way of exercising the right of petition, but he certainly would object to inflammatory meetings. In the Baronies of Delvin and Ballibeg, there was decided insubordination, and as such they were properly proclaimed.

Mr. *O'Connell* said, the few remarks of the right hon. Gentleman were in favour of his Amendment. All that he required was, that the people should have the right to petition Parliament at an open meeting. The value of public meetings was to act upon this House and the Government, for if it had not that effect, the right of petition would be of no use.

Lord *Althorp* said, in an ordinary case he would not support the clause in this Bill; but the question was whether, in a proclaimed district, public meetings should be held tending to disturb the public peace? He considered it would be imprudent to omit the clause, although the hon. and learned Gentleman said, that persons using exciting language would be liable to punishment under the Whiteboy Acts. In that doctrine he could not agree; but this he would say, that no Lord-lieutenant would proclaim a county or a district merely to prevent public meetings. For these reasons, he would support the clause as it now stood.

Mr. *Sheil* said, that in all the Insurrection Acts for Ireland, from 1796 to 1833, there was no such clause as that which the present Government now called for. In 1812, the Catholic Board and Committee was put down by the law of the land. Mr. Saurin, the then Attorney General, asked for no new law; but the then Secretary of State for Ireland called for a new Bill—an Insurrection Act—and he readily obtained it. Agitation was then put down in Ireland, although a class of persons, called "Carders," had committed outrages in various parts of the North of Ireland. In 1807, 1813, 1822 and 1824, a series of measures were brought forward by the Tories to put down predial agitation, but in none of those measures was there any clause to suppress public meetings. The refusal of Government to allow meetings in Kilkenny had created a reaction in the public mind, and the result of that reaction was, that a great number of petitions were signed. Would Whig Members allow the introduction of a clause putting down political agitation by a sidewind?—an object which Government, although they wished, could not otherwise obtain. Was it not true, that Government would have carried the whole of the three clauses if they could have so done? They could not do so in consequence of a discovery which was more fortunate than fortuitous. Would the House of Commons allow Ministers to do that by subterfuge which they could not do in the open day? If they were to give up the political part of the Bill, why not give it up entirely? By this Bill the Lord-lieutenant could act without the concurrence of the Magistrates; he could, *ex mero motu,* proclaim a district, and the moment he did so there was an end to petition. Was it not better to adopt the principle of the English Bill in 1819, to put down seditious meetings than to follow the precedent of the Coercion Bill of 1833? Why adopt a course for Ireland which you did not adopt with respect to England? This clause was far more severe than any clause in any Act which had been resorted to in this country. If Ministers adhered to this clause, they would raise up a spirit of resentment against the Government nearly as great as if they had not left out the political clauses.

Mr. *Feargus O'Connor* entreated of his Majesty's Ministers not to persevere in this clause. The object of all laws should be the prevention of evil, and it was clear, that this clause would not prevent the recurrence of those evils which it was designed to meet. It would have no effect in putting down the meetings of the people. In the year 1822, when Ireland was almost deluged with blood in the conflicts that took place between his Majesty's troops, and the people in that country, when the people were regularly encamped and came forth in battle array to meet the soldiers, the Tory Government of that day never thought of having recourse to such an Act as this. So far from this clause preventing meetings, it would be made the subject of discussion at meetings all over Ireland during the approaching recess. It would be the very means of again making the people look up to agitators. He declared, that he had no wish for agitation; all he wished for was peace and comfort for the people of that unhappy country; but it was too bad, that such a Bill as this should to them be the only fruits of the great measure of Reform which they had so strenuously supported.

Sir *Robert Peel*, considering that the most important clauses of this Bill, the Court-martial clause, and the political clauses, had been omitted, thought it would have been far better if his Majesty's Government had brought in a new Bill altogether, with the clauses that were deemed necessary to preserve tranquillity in the present state of Ireland, than to have altered the present Bill in such a manner as to render it almost unintelligible. This was a penal enactment, which ought to be clear and defined, whereas, by leaving several of the clauses of the other Bill, part whole, and part mutilated, the law was made a mass of confusion. It was usual to look at the preamble to a Bill, to know its meaning: by the present Bill, the whole of the preamble of the former Bill was left in full force, and referred to: three-fourths of this preamble were directed against large assemblages of the people; and yet it was not now intended, as it appeared, to interfere with these meetings. Of some clauses three-fourths were struck out, of other clauses two-thirds, but none were repealed in a clear or satisfactory manner; so that, in his opinion, it would not be possible to carry this new Bill into execution. One Act said, that the Lord-lieutenant should not have the power to prevent meetings of the people for certain purposes; but another Act said, that he should have the power to withhold his consent from such meetings. That was confused and contradictory, and left in doubt the provisions of a penal statute, that should never be obscure. By leaving out certain clauses, the Government admitted, that they did not believe there was any connection between political and agrarian disturbances in Ireland, and yet by another new clause they said there must be that connection, for they gave the Lord-lieutenant the power to withhold his consent to the holding of meetings that might bear a political character. If the meetings were to be only for the purpose of petition, and not of a political nature, why should the Lord-lieutenant have the power to withhold his consent? It did not appear, that the Act passed in the last Session had the effect of preventing petitions, for there were never more petitions got up at Kilkenny, than since the district had been proclaimed under the Coercion Bill. Indeed it seemed to be a Petition Generating Bill. But, after all, were the Whigs going to put down meetings held for the purpose of petitioning — going to stop up their own favorite safety-valves? To be sure, petitions might still be got up, as was done at Kilkenny, by carrying them round for signature from house to house. [" *Hear, hear.*"] The noble Lords, and right hon. Gentlemen opposite cheered; but surely they would not as yet altogether repudiate the old Whig doctrine, that petitions emanating from meetings of large bodies of the people were of more value and importance than petitions carried about for signature from house to house. Such as the present Bill was, he must support it with a view to preserve the tranquillity of Ireland; but he was sorry, that his Majesty's present Government had not the manliness to follow the example of Lord Grey, and adhere to the opinions which that noble Lord had expressed when he introduced the measure in the other House of Parliament.

The *Attorney General* said, that if the right hon. member for Tamworth had devoted himself to the law he would have been an admirable hand at arguing special demurrers. If Judges were to argue as the hon. Baronet had argued, this law would never be carried into effect; but Judges would not so argue because they would be actuated by a sense of justice, and put a fair construction on the language of the Legislature. It was better to study brevity than have a long Act which might occasion doubts. By the manner in which this short Act was drawn, no man who proceeded reasonably, and who sincerely wished to discover its meaning, could have the slightest difficulty in putting the correct construction upon it. All the clauses which gave the Lord-lieutenant the power of preventing public meetings, in any districts in Ireland, which were not proclaimed, were repealed—all the clauses which related to the trial of civil offences by Courts-martial were repealed. The remaining parts of the old Bill were continued as before. The preamble spoke the language of the Legislature in 1833, when the original Bill was passed; but not of 1834 when it was renewed. The preamble recited the former Bill, and declared that it was expedient it should be renewed, but it did not embody the former preamble. The three distinct parts of the Bill were kept as much apart as was possible. The right hon. Baronet had, with a great deal of ingenuity, endeavoured to show that there was an ambiguity in the Bill with respect to the power of the Lord-lieutenant in prohibiting meetings; but there was no ambiguity with regard to meetings in districts which were not proclaimed. The Lord Lieutenant must take an active part. He must issue his proclamation, which must be published in the *Dublin Gazette;* but in districts which were proclaimed no meeting would be legal unless it had his written sanction. It required all the ingenuity of the right hon. Baronet to point out any thing like ambiguity in the Bill. He would ask whether the right hon. Baronet approved of the continuance of the eleventh clause of the old Bill? If he did, he thought it was inconsistent on his part to endeavour to throw discredit upon the framers of the Bill. As to the connection between political meetings and agrarian disturbances, it was obvious, that there must be a connection between them in disturbed districts, which were in such a state as, that the King might, by his prerogative, almost, place them under the operation of martial law. There might be districts in such a state, that the Lord-lieutenant would not fulfil his duty, if he did not proclaim them; and he said, that to allow political meetings to be held in such districts must tend to produce the most fatal consequences. For instance, if a meeting were held for the Repeal of the Union in a disturbed district, and speeches made there, setting forth the grievances of Ireland, there must, in such a case, be a close connection between political and agrarian disturbances. But when a district was not proclaimed, such meetings might be held, only under the restriction, that if they were made illegal by any thing that was said or done at them, the parties should be amenable. He thought it would have been better if the right hon. Baronet had opposed the Bill openly than attacked the framers of it in this indirect way.

Mr. *Denis O'Connor* said, that this clause was wholly unnecessary, and, let what might be said of it, tyrannical. He hoped the Government would withdraw it.

Sir *Robert Peel,* while he thanked the hon. and learned Attorney General for the lecture he had read him as to the model he should adopt in his Parliamentary conduct, begged the hon. and learned Gentleman would excuse him if he took his own course. The Committee was now discussing a clause of the Bill, which he considered to be drawn up in a most clumsy form, and he was directing his attention to that which was the particular duty of the hon. and learned Gentleman, and considering what appeared to him a most blundering specimen of legislation. There was a preamble to the Bill, of course, but it was a preamble which suited the Bill of 1833, and did not suit the measure which the Committee was now discussing; and, when he referred to this, he was told by the hon. and learned Gentleman that such was the meaning of the Legislature in 1833, but not now. There was a positive enactment in the Bill, that the Lord-lieutenant should not have power to prevent any meeting in Ireland. He understood what the hon. and learned Gentleman said the Bill was intended to mean, but he considered it obscure. When he supported the Bill, he said in express terms that he did so because he considered political disturbances connected with agrarian disturbances, and thought that this measure would in some degree remedy them; but he thought it would be more consistent with the dignity of the Government to do that directly which this clause did indirectly.

Mr. *O'Reilly* said, the Bill was full of doubt and mystification, particularly this clause. Penal laws should not be left in such a state. As Ministers had once passed the Rubicon, it would have been better if they went further. They would get no credit for what they left out, but have all the odium of a Coercion Bill.

Mr. *Charles Buller* contended, that the clauses were sufficiently clear; and no confusion could arise from applying the preamble of the Bill of 1833 to the present Bill. He opposed the Bill of 1833, because he did not think political agitation was connected with agrarian outrage. He was one of those who did not wish to see agitation cease in Ireland till the grievances of the country were removed. Too much importance was attached by this Bill to political meetings. He considered the right of walking out at night quite as valuable as the liberty of meeting. After all, the Bill provided no remedy against the most effectual mode of political agitation—he meant, agitation by the public press. He supported this clause, though not with a view to prevent agitation; for he was not disposed to prevent anything which had a tendency to put down that abominable institution, the Church of Ireland.

Mr. *Maurice O'Connell* said, the hon. and learned Gentleman (the Attorney General) admitted, if he heard him correctly, that the Lord-lieutenant would be liable to impeachment if he proclaimed a district for the purpose of preventing meetings, a district not openly in a state of disturbance, in which martial law might be proclaimed. Now, the right hon. Secretary for Ireland admitted that Balliboy was not disturbed; and yet it was proclaimed, because it was situated between two districts that were disturbed. How was this contradiction to be explained?

Mr. *O'Connell* said, that to say that there was any connexion between political and agrarian disturbances showed either the grossest ignorance of the present and former states of Ireland, or a wilful attempt to delude the people of England on the subject; for there never were two subjects more distinct.

The Committee divided on the Amendment—Ayes 38; Noes 121: Majority 83.

List of the AYES.

Barron, H. W.
Barry, G. S.
Bellew, R. M.
Blake, M.
Callaghan, D.
Ewart, W.
Faithfull, G.
Grattan, H.
Hall, B.
Hutt, W.
James, W.
Lynch, A. H.
Martin, T. B.
Mullins, F. W.
Nagle, Sir R.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Connor, Don
O'Connor, F.
O'Dwyer, A. C.
O'Reilly, W.
Pease, J.
Perrin, Sergeant
Potter, R.
Rippon, C.
Roche, W.
Roe, J.
Ronayne, D.
Ruthven, E.
Ruthven, E. S.
Scholefield, J.
Sheil, R. L.
Sullivan, R.

Vigors, N. A.	Williams, Colonel
Walker, C. A.	TELLER.
Wallace, R.	O'Connell, M.

Mr. *O'Connell* moved an Amendment to repeal the clause which exempted officers and soldiers doing any act under the authority of the Bill from the jurisdiction of any other Courts than Courts-martial.

The *Attorney General* defended the clause, and said it was intended as a sequel to the Court-martial clause, and to protect the military when acting without malice, and merely in the execution of their duty. If they did anything contrary to military discipline, they would still have to be tried by the ordinary tribunals. This protection was, therefore, necessary to enable the military to do their duty with firmness and constancy.

Mr. *O'Connell* offered to consent that there should be a clause substituted in the Bill, that it should be a good defence in any Court of law, civil or criminal, that the acts done had been done *bonâ fide* in execution of the provisions of the Act, and that they had not been done wilfully or maliciously. All he was anxious for was, that the Judges of the land should alone have the power of deciding that question.

The *Attorney General* said, that a similar proposition had been made last year, and the answer given to it then, was the answer he would give to it now—namely, that the words introduced into this clause were well known, time out of mind, as settled terms in Courts of Justice in England and Ireland; and that it was better to adhere to words of a well-known and defined interpretation, than to have recourse to a new form of words. Every lawyer knew that, notwithstanding the existence of this clause in the Bill, an action could be brought against a man, in any of the Four Courts in Dublin, for acts done under this Bill; and that the only defence he could set up would be, that such acts had been done *bonâ fide* in execution of, and pursuant to, the provisions of the Act, and that question a Judge and Jury would have to decide. That would be the civil remedy. Then there would be the criminal remedy. A man might be indicted for acts done under this Bill, and he would be obliged to make a similar defence to such indictment.

Mr. Serjeant *Perrin* declared, that by the clause the Army was protected, whether acting legally or illegally, provided they were acting in the performance of their military duty. The protecting clause was of an unprecedented and unconstitutional character. The meaning of the clause was not such as had been ascribed to it by the learned Attorney General; for it provided, that no officer should be "questioned," except by Court-martial.

Mr. *O'Connell* offered to withdraw the Amendment for the present, and propose it again on bringing up the Report, if his Majesty's Government would intimate that, in the meantime, the clause should be taken into consideration, as to whether it should be acceded to or not.

The *Attorney General* called the attention of the learned Sergeant who spoke last but one to the words preceding those that he had quoted, and he would find, that an officer was only to be questioned by Court-martial for anything done "in pursuance of this Act." Of course, if he did anything not in pursuance of the Act, he might be questioned for it in a Court of Law.

Mr. *Charles Buller* said, that the clause would then be useless; for without it, a party accused might plead, that what he had done was done in pursuance of the Act.

The *Attorney General* said, that no doubt but he might; but, if he happened ever so innocently to exceed the powers of the Act, his plea would be good for nothing.

Mr. *Ronayne* thought, that one o'clock in the morning was not a fit hour to proceed with a discussion like this, and should, therefore, move, that the Chairman do report progress.

The Amendment having been put,

Mr. *Littleton* said, he thought that, after the discussion they had had, they were ripe for the decision of this clause. When they employed soldiers in a service of this kind, they were bound to give them every possible protection against acts of inadvertence. The Bill, as it stood, would do that, whilst it would not protect them in any wanton exercise of power.

Mr. *Henry Grattan* thought the proposition of the hon. and learned member for Dublin, to let the matter stand over for the present, a fair one.

Mr. *Sheil* said, that all they wanted was to give the Government an opportunity of changing its mind, which, he thought, it could not help doing after what had been urged from his side of the House. He granted, that the clause had been both attacked and defended by legal subtleties; but were they to sacrifice a constitutional principle to the spirit of sophistry?

Lord *Althorp* did not pretend to the knowledge of the law possessed by the hon. and learned Gentleman who had conducted the discussion on this clause; but he would adopt the view taken by the Attorney General, more especially as it appeared, that the clause did not partake of the objection which lay against Courts-martial. The objection against Courts-martial was, that civilians would be tried before them; whereas, the present clause only subjected the soldiery to the jurisdiction of this court.

The Committee divided on the Motion, that the Chairman report progress:—Ayes 29; Noes 88; Majority 59.

Lord *Althorp* said, he should have no objection, as there were conflicting opinions delivered by legal gentlemen on the tendency of the eleventh clause, to allow this clause to stand over till the bringing up of the Report.

Mr. *O'Connell* said, upon that understanding, he should withdraw his Amendment. He had, however, objections to the 27th and 31st clauses, which he should press upon the proper occasion.

House resumed. Committee to sit again.

SUPPLY—BATTLE OF NAVARINO.] Mr. *Labouchere* hoped he might be allowed to bring up the Report of the Committee of Supply, in order that the men interested might receive their shares immediately.

On the first Resolution being read,

Mr. *George F. Young* objected to the grant being treated on the principle of the Proclamation Act. There was no analogy between it and capture or prize-money: it was an act of bounty, to which former precedents would not apply; and it ought to be distributed so as to afford larger shares to the poor men who took part in the battle.

Mr. *Hughes Hughes* objected to the proposed distribution. Out of 60,000*l.*, the Commander was to get upwards of 7,000*l.*, the sailor but 4*l.* 10*s.*, and the boys only 1*l.* 10*s.*

Mr. Secretary *Rice* said, that the grant was made by the House in consideration of there not having been any prize-money; the House stepped in and supplied that deficiency; and he thought that the money ought to be distributed in the same proportions in which it would have been, had it been distributed as prize-money immediately after the battle.

Mr. *Sheil* considered this a pure act of honesty on the part of the House; and, under all the circumstances, the grant ought not to be subject to the Prize Act.

Mr. *Hughes Hughes*, to afford his Majesty's Ministers the opportunity of considering a more just distribution, begged to move as an Amendment, "That the further consideration of the Report be postponed till Monday next."

Mr. *Labouchere* said, all that was asked was, that it should be left to the Crown to distribute the money in the manner that it might consider most advisable. He ought to add, however, that the Crown would most likely act on the recommendation of the Lords of the Admiralty, who had given their attention to the subject, and who were of opinion, that the money ought to be distributed in the proportions in which the prize-money was distributed after the battle of Algiers. Between that battle and the battle of Navarino there was a great resemblance, and the distribution in the former case gave perfect satisfaction.

Mr. Secretary *Rice* would remind the hon. Gentleman, that the object of his Amendment was to give time to his Majesty's Government to consider this matter, but it was proposed by the hon. Gentleman to give only until Monday next for that purpose; whereas, if the Bill were passed, inasmuch as it left the distribution entirely to his Majesty's Government, they would have as much time for consideration as could be desirable, and a much longer period than the hon. Gentleman himself contemplated.

Mr. *Hughes Hughes* was much obliged to the right hon. Gentleman for his instruction, which he was always very ready to afford to Gentlemen sitting on that (the Opposition) side of the House; but he (Mr. Hughes) begged to inform the right hon. Gentleman that he moved the Amendment he proposed to instruct his Majesty's Government to reconsider the subject between now and Monday, and then to report the result of their re-consideration to the House. He would press his Amendment to a division.

The House divided on the Amendment—Ayes 14; Noes 30; Majority 16.

The Bill was reported, and the Resolutions agreed to.

HOUSE OF LORDS,

Wednesday, July 23, 1834.

Minutes.] Bills. Read a second time:—Stannaries Court (Cornwall).—Read a third time:—Liverpool Court of Passage.

Petitions presented. By the Earl of Orford and Lord Rolle, from several Places, for Protection to the Established Church, against the Separation of Church and State, and against the Claims of the Dissenters.—By the Earl of Orford, from several Places in Wales, for the Better Observance of the Sabbath.—By the Earls of Shaftesbury and Harrowby, from several Places,—for Protection to the Church of Scotland.—By Lord Ellenborough, from Barmouth, for Relieving Merchant Seamen from the Payment to Greenwich Hospital.—By Lord Suffield, from Chelmsford and Ampthill, for altering the Laws relating to Incendiaries; from Royton (Oldham) against the Poor-Law Amendment Bill.—By the Earl of Gosford, from one Place, for Relief to the Agricultural Interest.

Church of Scotland.] The Lord *Chancellor* said, he held in his hand a Petition from the Synod of Glasgow; and he had also a great many other Petitions very numerously signed by many of his Majesty's subjects in the northern part of the kingdom, all relating to one subject—the question of Church Patronage—a subject, indeed, upon which much discussion had of late taken place. He ought not to say, that parties were divided upon it, for all were of opinion that it was a matter which ought to be brought to a speedy determination. The late proceedings in the General Assembly had done more, he was inclined to believe, towards facilitating the adoption of a measure on that subject, to set at rest a question which had been long under consideration, than any other circumstance that had recently taken place—he meant the important resolution which had been passed and promulgated. [The noble and learned Lord here presented the Petition, as well as forty-six others, from various parts of Scotland, all of a similar character, adopting the general principle recommended by the General Assembly, though they might differ in the mode of carrying it into effect.] It was impossible for him to close the remarks which he felt it to be his duty to offer on the present occasion, without calling the attention of his noble friend at the head of the Government to the subject, and without also earnestly beseeching their Lordships to carry into effect the recommendation of the General Assembly. He also thought it his duty to call the attention of the House and Government to the condition in which Scotland stood with respect to its want of Church accommodation. In England the deficiency, in this respect, had been in a great degree supplied; but such was not the case, he regretted to say, in Scotland. The population of Scotland had increased so rapidly of late years, particularly in the large manufacturing districts, that parties wishing to become members of a religious community could not be admitted (on account of the want of accommodation) in the parish churches; and if he added to that the accommodation of the chapels of ease that were here and there scattered over the country—and if he also added to these the chapels of dissenting congregations, he meant the seceders (and he might here say that the seceders were dissenters rather from the form than the doctrines of the Church), there was still a great deficiency of accommodation. Taking in the whole amount of accommodation in relation to the number of people, it was vastly inferior to that which existed in England. For instance, he would take the city of Glasgow, selecting it as being a tolerably fair criterion of the truth of his assertion. He would, in the first place, take it as an admission, that there ought to be accommodation in places of religious worship for one half of a population. In a population of 200,000 (Glasgow, he believed, was 195,000) there ought to be seats for about half that number; but in Glasgow there was a deficiency of accommodation of 33,000, the whole amount of accommodation in that city being only about 60,000; and that, too, including all the accommodation furnished by the churches, by the chapels of ease, by the seceders, including the Anabaptists, and the Roman Catholics; and of the latter body there was a large number, there being many Irish resident there; nevertheless the accommodation furnished by all the churches, chapels of ease, Dissenters, and Roman Catholics, left a deficiency, such as he had described, of seats for 33,000 persons who could not be accommodated in places of religious worship. This was about one-third of the half of the population of that city who could not be provided for. He would now take the case of fifty-nine principal towns and cities, but he would, in round numbers, call it sixty; the population of which amounted to 940,000, and the half of which was 470,000, who ought to be accommodated with seats in places of worship. Instead of that, however, there was accommodation only for 170,000, leaving a deficiency of 295,000, say 300,000. Now, their Lordships would perceive that the case of Glasgow was not so bad as other parts of the country, for there the deficiency was not so great as the average of these sixty towns and cities. Their Lordships saw, therefore, how necessary it was, that something should be done. The want of accommodation in England, though grievous, was not so grievous as that of Scotland. Their Lordships need not be told that, a sum of money which had been received some years ago on account of the Austrian loan, and which had been most aptly designated by a noble friend whom he did not then see in his place (the Earl of Ripon) a "God-send," had been very properly appropriated to building churches; but he (the Lord Chancellor) was at a loss to know why Scotland did not partake of this "God-send." Scotland had as much right as this country, having contributed her portion of the original sum, to a portion being applied to the same praiseworthy object as had been applied in England, viz., the erection of churches. To what extent his Majesty's Ministers might accede to the prayer of the General Assembly, it was not for him to say. He would proceed to the statement of a single fact, showing the necessity of attending to render better accommodation for public worship, as it bore upon the education, and, consequently, upon the morals of the people. The inhabitants of the district of Paisley, consisting of 31,000 persons, had a deficiency of church accommodation, more in proportion than the average to which he had called their Lordships' attention. The melancholy result of this was, that the average of scholars attending schools in that district was only about one-thirteenth or one-fourteenth, whilst in other parts of the country the average was one-seventh or one-eighth; making a falling-off of nearly one-half. This he considered to be a very strong fact illustrative of the necessity of interference to supply the deficiency. He thought it his bounden duty, in stating these facts, to call the attention of his noble friend opposite to the subject, in the hope that his noble friend would endeavour to supply the deficiency of which he had complained.

The Earl of *Harrowby* was not aware until now that no share of that money called a "God-send" had gone towards furnishing Church accommodation in Scotland. He had understood, that manses for the ministers, and churches had been built to a considerable extent in that country; but he had also understood, that in England Church accommodation was more deficient than in Scotland, until he heard the reverse from the noble and learned Lord's knowledge on the subject.

The *Lord Chancellor* intimated that he spoke from information which he had received, and not from his own personal knowledge.

The Earl of *Harrowby* thought, however, from the noble and learned Lord's statement, that the deficiency in England was quite as large as that of Scotland; for out of a population of 940,000 there was only a deficiency of 340,000.

The *Lord Chancellor* begged to point out an inaccuracy which the noble Earl had fallen into. What he stated was, that of a population of 940,000 (the half of which he assumed to be all that was requisite to find accommodation for), that was to say, out of a population of 470,000 there was only an average accommodation of 130,000, thus leaving a deficiency of 340,000; so that the deficiency was much greater than the noble Earl apprehended.

Viscount *Melbourne* regretted the circumstance of the deficiency in Church accommodation, and admitted that the subject was one of great importance, and added, that undoubtedly it was essential that some assistance should be afforded to obviate the evil.

The Duke of *Hamilton* expressed gratification on hearing from the noble Viscount, that his Majesty's Government was disposed to afford that facility to Divine worship which was so much needed in Scotland.

HOUSE OF COMMONS,

Wednesday, July 23, 1834.

MINUTES] Bills. Read a second time:—Assessed Taxes Composition; Land Tax Amendment—Read a third time:—Justices of the Peace (Scilly).

Petitions presented. By Lord STORMONT, from Caterham, against the Separation of Church and State; from Hoveton, for Protection to the Church of England.—By Mr.

Miles, from Trull, against the Claims of the Dissenters.—By Mr. Lefroy, from the Clergy of Clogher, against being obliged to repay the Loan for Building Glebe-Houses; from two Places, against compelling Protestant Soldiers and Officers to attend the Ceremonies of the Catholic Church.—By Mr. Barron, from Waterford, for continuing the Fever Hospital (Ireland) Act.—By Mr. D. Callaghan, from Whitchurch, against the Disturbances (Ireland) Bill; from several Places, against the Tithes (Ireland) Bill; from the Mechanics Institute (Cork) against the Taxes on Knowledge; from Cork, for Amending the Roads adjoining that City.—By Mr. Barron, from Grange, against the Tithes (Ireland) Bill.—By Mr. Pease, from two Places, for a Protection against Incendiaries.—By the Messrs. Lefroy, from a Number of Places, for Protection to the Established Church in Ireland.—By Messrs. Miles and Leech, from several Places, for continuing the Connexion between Church and State.—By Messrs. Finch and Miles, from several Places, for Protection to the Church of England.—By Mr. Bannerman, from Aberdeen, in favour of the Bankrupts (Scotland) Bill; from several Places, for Protection to the Church of Scotland.—By Captain Gordon, from a Friendly Society at Buchan, for Amending the Act relative to such Societies; from Aberdeen, in favour of the Church of Scotland.—By Mr. T. Duncombe, from Ashwell, for placing Retailers of Beer on the same Footing as Licensed Victuallers.

Military Flogging.] The Debate upon a Petition presented on Monday against Military Flogging was resumed.

Mr. *Henry Grattan* said, he had always been opposed to the principle of flogging. He thought a more horrible and inhuman instance of the exercise of this practice had never occurred than that which had recently taken place in St. George's Barracks, in the very heart of the metropolis. If the accounts which he had seen were true, before the offender had received twenty lashes he cried out most loudly for mercy, and his cries were of the most heart-rending description. It was said, the young man was a very old offender. So he might have been; but that very circumstance would have suggested the question, whether it would not have been advisable to take different steps. His opinion upon the principle was very well known; it had been recorded in the glorious minority upon the Motion of one of the present candidates for Nottingham, deprecating the barbarous practice. He sincerely hoped the electors of Nottingham would put this question to his right hon. friend, and he hoped his answer would be such as would secure to him his election and the confidence of the people on this important question. He perfectly concurred with the right hon. Secretary, that the march of public opinion had progressed to such a point, that something must be speedily done to satisfy the general wishes that were entertained on the subject. He was present on an occasion in Holland, where a British soldier was flogged in the presence of Dutch and French soldiers, and he never should forget the expressions of abhorrence used by the French soldiers at this disgusting practice. He considered the subject required the immediate interposition of the House, and that a single day ought not to be suffered to pass without some declaration against it. The right hon. Secretary had told them one-fifth of the British army had passed through the common gaols. He did not consider the declaration a very prudent one, but certainly a more lamentable proof of the state of the army could not have been given. But he would ask, whether this barbarous practice of corporal punishment was not the real cause, and whether it was not to be attributed to the same cause that no recruits could be obtained either in Ireland or Scotland? He hoped his hon. friend would submit a distinct Motion to the House on this case, for it was evident great blame must attach somewhere, and it was most desirable that the true facts of the case should be immediately laid before the public.

Sir *Matthew White Ridley* said, it was not his intention to have addressed the House on this subject, but owing to the absence of his right hon. friend the Secretary at War, he thought it was of the greatest consequence no time should be lost in making the public acquainted with the real facts of a case, which had been made the ground of accusations as calumnious, false, and libellous, as ever had been circulated against the gallant and high-minded officer, whose duty obliged him to superintend the punishment inflicted on the soldier in question. He would not condescend to notice the foul and slanderous attack that had been made in one of the lowest Sunday papers upon the character of his gallant relative; but he would content himself with simply laying before the House the facts of the case. In the first place, the sentence upon the individual in question was passed by a district court-martial, and not by a regimental court-martial; and every member who was connected with the service knew that it was not in the power of the commanding officer to correct or mitigate the sentence of a district court-martial, except under particular circumstances, such as the presence of the surgeon, and his stating that the individual was not capable of bearing further punishment. The sentence upon the individual in question was, that he should receive 300 lashes; and this punishment was ordered in consequence of his getting drunk when stationed as sentinel over the canteen. The House must at once see the danger of passing over such a crime in an individual, whose duty it was to prevent drunkenness amongst others. But this was not all; the individual had also been guilty of mutinous misconduct, in having attempted to strike his sergeant. This individual had already been punished forty times; he would not say, that he had been subjected to the lash forty times, but he had been tried that number of times for as many different offences; therefore the House must perceive that there was good reason for a district court-martial inflicting the severest punishment upon an individual who had been before so often tried and punished for military offences. He confined himself to the facts of the case, and trusted the public would judge of them as they deserved, for he pledged himself to the accuracy of every one of them. He denied, that the man was of a delicate frame of body; on the contrary, he possessed great muscular power, and it was with great difficulty the halberts to which he was tied could be supported. The House would observe, this was not from the effect of the punishment, for he nearly pulled down the triangles before a single lash was inflicted. He admitted that the man cried out for mercy after he had received about forty lashes, but it was not in the power of the commanding officer to mitigate the punishment, the surgeon not having declared the punishment to be greater than the man was able to endure. He recollected an instance, in which an officer had taken upon himself the responsibility to mitigate the punishment directed by the sentence of a district court-martial, and the consequence was, that he received a very severe reprimand from the Horse Guards. He begged to state, that, in this instance, the surgeon was present, and did not interfere by declaring the punishment more than could be borne. He denied the statement made in the petition, that the drums were specially directed to be beaten, in order to drown the man's cries, it being well known to every military man, that it was the custom for the drums to roll on every such occasion, and they were accordingly rolled on the present. He did not mean to uphold the system of flogging in the army—he merely rose to defend the character of a gallant officer which had been most unjustly aspersed. It was said, that several soldiers fainted; that was not true; one or two soldiers and one officer fell out of the ranks during the time that the sentence was read, not, therefore, on account of the punishment, but of their exposure to the sun. He stated these facts in justice to a most excellent and humane officer, who had been most unjustly accused of tyranny and oppression. The gallant officer felt as much pain as any man could do at the infliction of punishment, but he was bound to see such punishments carried into effect as a necessary part of his military duty. He regretted exceedingly that advantage should be taken of the privileges of the House to calumniate an individual, by ascribing to him cruelty and inhumanity, merely because he had performed a necessary, however painful duty. That gallant officer had done nothing more than he was obliged to do; and, however much inclined he might have been, it was not in his power to mitigate the sentence: his duty, and the only duty he could perform was, to see that the sentence was carried into execution. He could assure the House, that the performance of this duty excited feelings of the most painful and distressing kind in his gallant relative, Colonel Bowater; and he could not but deprecate the attacks which had been levelled at an individual, as honourable and humane as any Member of that House. If inquiry were instituted into the facts of the case, no person would be more ready to promote it than his gallant relative.

Major *Beauclerk* was not prepared to say whether all the facts contained in the petition were true or not, but he thought it was of great importance for the House to consider the result that was to be drawn from it—namely, that a commanding officer, by the rules of the army, did not possess the power, under any circumstances, in the presence of the surgeon, to remit any portion of the sentence passed by a court-martial. It was a principle which he thought should not be suffered to continue any longer. There could be no question but a surgeon should be always on the spot, and he could not suppose there was a surgeon in the British army who would suffer a single lash to be inflicted above what the offender was able to bear; but, nevertheless, he did not agree that the power to mitigate the punishment in every case should rest with them. The system of flogging tended much to the degradation of the British army. He had witnessed too often the execution of this barbarous practice with a great deal of pain, and no one was more sensible of its injurious effects than he was. He was of opinion, that the army would be as well disciplined, if, instead of resorting to flogging, the Horse Guards would allow bad men to be turned out of the army altogether. But what was the fact? He knew there were many bad men in the army, with whom none of the soldiers would assort, and yet the Horse Guards refused to turn them out. He felt convinced, if those persons in the army who committed a crime, by which they were subjected to flogging, were to be expelled, the army would soon have a sufficient number of good men, and thus the obnoxious and inhuman practice might be entirely done away with. He much regretted the absence of the right hon. Secretary at War, being convinced he was ready to do everything that lay in his power to accede to the general wishes of the country on this subject. He much regretted to say flogging had greatly increased in the marine service of late years, for he was informed, that, at Portsmouth alone, thirty-six persons had undergone the infliction of the lash in the course of the last year. He felt satisfied the character of the army would stand much higher in the estimation of the soldiers themselves, and those who might wish to enlist in it, by the practice of flogging being abolished; he, therefore, thought the sooner this end was effected the better.

Major *Fancourt* confessed he did not think any blame attached to Colonel Bowater, or any of the officers in the regiment to which this man belonged. His opinion was, the blame rested entirely with that House, who had come to a decision, by a majority of 227 to 94, to give the Horse Guards the power to inflict the punishment. He would, on an early day in the next Session, renew the motion he had brought under the notice of the House during the present Session without success, for the entire abolition of flogging in the army.

Mr. *Wilks* observed, that the statement of the hon. Baronet opposite, that this man had been punished forty times, proved that the practice of flogging did not answer the end intended.

Sir *Matthew White Ridley* said, he stated the man had forty times suffered punishment; he did not say he had been flogged so often.

Mr. *Wilks* said, it was nevertheless very obvious that flogging had not produced the intended effect. He trusted the day was not far distant when it would be entirely done away with. He was glad to hear that a commission was about to be appointed, and that the right hon. Secretary was so far willing to meet the general wishes of the people.

Mr. *Sinclair* remarked, that whatever might have been the influence of military flogging on the discipline of the army, there could be no doubt that it had produced a very powerful and general disgust in the public mind. It would be a much better plan to discharge incorrigible men from the service at once, than to resort to a system of torture and disgrace, which had evidently failed to produce the effect intended.

Colonel *Davies* said, in the present state of the public mind on the question of military flogging, it required some degree of boldness for any Member of that House honestly to state the opinion he entertained, if it were not in strict accordance with popular feeling. He had, however, never been deterred from performing what he conceived to be his duty by any considerations of that kind, and he would fearlessly say, that it would be impossible to preserve the discipline of the British army without corporal punishment. Many Members opposed the practice altogether who were totally ignorant of the subject. It could not be supposed that lawyers had so much knowledge on this as men of military experience, any more than that he understood a question of law as well as some hon. and learned Members who had addressed the House; and he did not hesitate to say, that, with the exception of two or three military men who sat on that side of the House (the Opposition), it would be admitted by every other hon. and gallant Member, that corporal punishment was absolutely necessary to maintain the discipline and subordination of the army. He believed that corporal punishment was never dreamt of by a soldier when he enlisted in the army, and that was the reason so many bad men entered into it. What, he asked, would have been the consequence, if such an offence as this man had been guilty of had been committed in

France? Why, he would have been instantly shot; and if such a course had been pursued in this country, let the House consider the effect that would have been produced upon the public mind. He was surprised to hear hon. Members suggest that such men should be discharged from the army instead of being flogged. If such a system were to prevail, a man dissatisfied with the army, or desirous to leave for any other reason would have only to commit a crime to procure his discharge. He must, in conclusion, express his full concurrence in what had been stated on behalf of Colonel Bowater.

Sir *Edward Codrington* said, whenever an instance of the infliction of military punishment was brought forward, it was very commonly supposed, that officers took a delight in witnessing it. Now, he would venture to say, there was no officer in the British army who did not perform this disagreeable duty with feelings both of pain and disgust. For his own part, he considered this the most revolting and unpleasant part of his duty. Painful, however, as that duty was, he never flinched from the discharge of it, not simply because it was his duty to the service, but because it was his duty to every officer in the ship. Hon. Members had recommended, that persons acting improperly should be expelled from the army, and an objection was taken that a man had only to commit some offence to procure his discharge; but it was forgotten that a discharge could not be obtained for a less sum than 20*l.* He was of opinion, that unless some equivalent punishment could be substituted, the discipline of the army would be destroyed if flogging were abolished. A great deal of deception existed on this subject, and a great deal of clamour had been raised; but he thought the House could not confer a greater benefit on officers whose duty it was to see the punishment carried into execution than to substitute some other punishment for one which was so universally obnoxious.

Mr. *O'Dwyer* hoped the practice would soon be done away with. The practice was now reduced to a complete science, the first thing a drummer, bugler, or smith, was taught, being to practise flogging. He believed no imputation rested on the commanding officer in this instance.

Mr. *Hughes Hughes* denied, that Colonels and Admirals were the only persons capable of forming a correct opinion on this subject. It was the common cause of humanity, and on that subject he supposed he was as capable of pronouncing as the hon. and gallant Colonel below him (Colonel Davies). He had a petition to present from a member of the University of Oxford, which was well worthy the consideration of the House. It complained, among other things, of the inequality of the punishments inflicted in the army, and observed, that while one class of persons were subject to be flogged, others were entirely exempted from it. This subject was well worth the hon. and gallant Colonel's (Davies) serious attention. He had never heard of a Colonel being flogged for drunkenness, but he had often heard of drunken Colonels. The hon. and gallant Admiral (Sir Edward Codrington) had argued as if no substitution could be found for the barbarous practice, but he forgot that there were such things as solitary confinement and hard labour, and stopping the pay of the offender. He had always protested against this barbarous practice, and would do so as long as he had a seat in that House.

Mr. *Thomas Duncombe* regretted, that the right hon. Secretary at War was not in his place, but seeing one of his Majesty's Ministers present, he was desirous to know whether it was intended that every member of the proposed Commission should be a military officer of experience. He could assure the Government, if the Commission were composed entirely of military men, it would be very far from satisfactory to the country. He conceived the simple question before the House to be, whether what had taken place was in strict accordance with the circular issued from the Horse Guards last year. By that order, the public were led to believe the practice of flogging, if not entirely abolished, would be so mitigated as to render it quite unobjectionable, If the present instance was in strict accordance with that circular, it only showed that the order was a perfect farce, and the House was misled, and lulled into a sort of foolish confidence in the Government, when the right hon. Secretary at War called on them not to pass an opinion on the system itself. He trusted, however, it would be a lesson to the House not to place reliance on ambiguous pledges and circulars, but at once to come to a resolution to put an end to the practice. The House had been deluded in a similar manner on the subject of the impressment of seamen. The Motion of the hon. member for Sheffield was met by a request from the right hon. Baronet (Sir James Graham) then First Lord of the Admiralty, that the House would suspend its judgment on the question, it being his intention to introduce a measure into the House for the registration of merchant seamen, which he trusted would get rid of the evil complained of. Since that period, the right hon. Baronet had seceded from the Ministry, and had been so occupied with the consideration of the Irish Church, that little time was left him to attend to any other subject. The question of impressment had, however, been completely got rid of for the present Session. He would remind the House that a majority of the members of the present Cabinet stood pledged by their recorded votes and opinions to oppose military flogging, and the House and the public had a right to call on them to give effect to those opinions by introducing a measure for its immediate abolition.

Colonel *Evans* remarked, that it was understood from the right hon. Secretary at War on Monday last, that the Commission about to be issued would not be composed entirely of military men.

Mr. *Tennyson* observed, that he had not been induced to take up this question as a personal matter, but entirely on public grounds, nor did he impute the slightest blame to Colonel Bowater; on the contrary, he was much gratified at the high character which had been given to him for honour and humanity. He should be one of the last in that House to do anything that might have a tendency to decrease the good discipline of the army; but he felt that he should not discharge his duty if he did not denounce this horrible practice, and call upon the House to abolish it. Notwithstanding what had been said, it still appeared to him that the infliction of so severe a sentence was a great and unnecessary cruelty. If the man had committed forty different offences, and been as frequently punished, he thought the proper course to be pursued was, to eject him from the army, instead of awarding a punishment so unequal and so revolting to human nature. He believed, if the House suffered this punishment to continue harrowing the feelings of the people, it would create a great reaction in the army, subvert the discipline, and increase insubordination. He trusted the House would receive an assurance from his Majesty's Ministers, that the Commission should be speedily issued, and that it should not be exclusively composed of military men.

Mr. *Mildmay* defended the conduct of Colonel Bowater, who, he said, was unable to interfere with the sentence of a district Court-martial, but was bound to see it carried into full effect.

Mr. *Charles Grant* said, it was not in his power to answer the question which had been put to him with regard to what was the general intention of the Ministry on this subject. He was unprepared to say exactly when the Commission would be issued, but he would say, that whatever his right hon. friend (Mr. Ellice) had pledged himself to do, he would carry into effect to the utmost of his power, as speedily and impartially as possible; and as his right hon. friend had fully stated his sentiments on this subject to the House, it could not be expected that he (Mr. Grant) should offer any further explanation of the views and intentions of the Government. He could not, however, refrain from expressing the repugnance he felt at such a punishment, and his deepest regret that it should be suffered to continue. But he must nevertheless observe, that he had long felt the extreme difficulty which arose from appealing to that House upon every instance that occurred of the exercise of the practice. He believed no man in that House entertained a greater abhorrence of the practice than himself, and the only question that presented itself to him was, whether it could at once be abolished without a serious injury to the discipline of the army. The Commission would lead to the fullest investigation, and it would then be seen whether the continuance of the system was necessary to maintain the discipline of the army. He entertained the highest opinion of the character of Colonel Bowater, and considered him in no way connected with the transaction. He must however, admit, that no one could read the account of the case upon which the petition was founded without shuddering.

Mr. *Ruthven* was anxious to know, whether the drummers were changed at every ten lashes, instead of the usual practice of changing them at every twenty-five. He contended, that a man who had shown himself so unfit for the public service ought to have been discharged, and never trusted with fire-arms in his hands.

Mr. *Lennard* trusted, that the hon. member for Lambeth would not suffer the House to separate without obtaining a resolution of the House, expressing its condemnation of the practice, and declaring that it should no longer continue, or at any rate that the Session should not close without an expression of the opinion of the House that the practice should be greatly restricted. He considered it a mere waste of time to appoint a Commission, every man's mind being made up with respect to the principle.

Mr. *Tennyson* was not disposed to throw any impediment in the way of the Government, and as their opinions had been so strongly expressed against the practice, he did not think it necessary to carry the matter further; but if any delay occurred, he should feel it to be his duty to move an Address to the Crown.

The Petition to lie on the Table.

BREACH OF PRIVILEGE—COLCHESTER ELECTION.] Mr. *O'Connell* said, that as Chairman of the Select Committee to inquire into the regulations of the Inns of Court it had devolved on him to lay before the House a first Report of the labours of that Committee as far as they had then gone. That Report was found to contain the particulars of a transaction involving one of the grossest charges of breach of privilege that had ever been brought under the notice of the House. He felt that he should not be discharging his duty if he did not call the attention of the House to the circumstances to which he alluded. The facts deposed to before the Committee were these—that a Gentleman who at the time referred to, held the situation of one of the Secretaries of the Treasury was written to by a Gentleman then interested in the election going on for the borough of Colchester, for the remittance of a sum for the purpose of supporting the cause of one of two Gentlemen then Candidates for that borough. He admitted, that controversy might exist as to which of those Candidates this money was destined to support, or whether it was for the benefit of both of them; but there was no pretence for disputing the fact, that 500*l.* was sent to Colchester from the then Secretary of the Treasury, and for the purpose of ensuring the return of one of the two Members elected for that borough. The House would see that whether one or both of those Members were supported in their election by the funds so supplied was a question utterly immaterial. Such being the facts of the case, it was equally unnecessary for him to use any arguments to prove, that a very gross breach of their privileges had been committed. He did not pretend to say, whether there had ever been a period in which such proceedings as those of which he now complained were considered justifiable; but, if ever there were, that time was gone by. He admitted, that the statement which had been made in that House by the right hon. Gentleman to whom he had referred, now the Secretary at War, in explanation of his conduct in this affair, was such as very materially to palliate the features of the case. That individual was one for whom in his individual capacity he entertained the highest respect, and to whose assertions he had every disposition to give implicit confidence. But it should be borne in mind, that the statement of that hon. Gentleman was merely a verbal one, unsupported by papers or records, or any testimony whatever, whilst the information on which the charge had been brought forward had been formally given in evidence by witnesses before a Committee of that House. As to the explanation itself, he was sure that the right hon. Gentleman would excuse him when he declared his conviction that the right hon. Gentleman had been mistaken, not to use a harsher term, as to the grounds upon which he had rested that explanation. If, as that hon. Member had stated, the money in question had been supplied by the subscriptions of private individuals, no doubt there existed some list on record of the names of those individuals, and of the appropriation of the funds so subscribed—documents which there could be no difficulty in producing, if they really existed, to corroborate the hon. Member's statement. Indeed it appeared impossible to suppose that any body of men could be induced to subscribe their money for any particular object without some evidence of the kind that the amount had been applied to the object towards which they had supplied it. In the absence of all corroborative evidence of this kind, the House was called upon, for its own satisfaction, to put the explanation which had been advanced to the proof, and require a demonstration of its correctness. After all there must always appear something very suspicious upon the face of such transactions, from the circumstance of the money passing through the hands of the Secretary of the Treasury at all. How very easy was it for such private monies to get mixed up with the public money, especially when it was recollected that a large sum was annually granted to Government for what was called the secret service. Under all these considerations he thought that the House was imperatively called upon to institute an inquiry into this matter. No doubt it would eventually turn out as had been stated, but the public would not be satisfied without a full and searching investigation. It was necessary for the character of the House—it was necessary for the character of the Government—it was necessary for the character of the individual, that the Motion he (Mr. O'Connell) was about to make should be complied with; that a Committee should be appointed to sift the whole of the proceedings and lay the facts clearly before the House. What was it that the people of England now dreaded, and what had they to appeal against? They were no longer oppressed by a proud aristocracy, for by the recent wise acts of legislation the power of the aristocracy had been almost entirely taken away. What then was it that the people of England had still to dread, violating their rights and liberties? What, but that which had already sapped the strength of many of our proudest institutions—that canker-worm of corruption which stooped to procuring the votes of freemen by purchase, and added to the disgrace of bribery the crime of perjury? If ever there was a period when such proceedings were doubly disgraceful, and called more loudly for visitation than at another, the present was that period. Let it not be said of a Reformed House of Parliament that they refused to inquire into such a cause. The hon. and learned Member concluded by moving, that the first Report of the Select Committee on the Inns of Court be referred to the consideration of a Select Committee.

Lord *John Russell* said, he had not been at all prepared for the part which the hon. and learned Member had taken on the present occasion. He must say, that he could not perceive that there existed any grounds to demand the appointment of a Committee of Privileges. If any individual connected with the Government had given money out of the Treasury for the purpose of controlling an election, he would be acting not only in opposition to the spirit of the Constitution, but also in opposition to the express desire of his Majesty's Government. But was any Gentleman in the House prepared to say, that the Secretary of the Treasury had not in his individual (in contradistinction to his official) capacity as good a right to interfere in elections as any other Member of Parliament? His right hon. friend had made a statement to the House a few evenings since, in which he showed from letters that the money which he had advanced was not from the public coffers, but had been raised by public subscription, and had been intrusted to him for distribution. He did not then think it was a case that ought to be sent to a Committee. The hon. and learned member for Dublin had observed, that there should not now be any such thing as nomination of Members to that House. He perfectly coincided in the opinion, and he could not help thinking that the hon. and learned Member himself furnished one of the very few instances in which the power of nomination still actually existed. He thought his right hon. friend was entitled to the enjoyment of the same privileges which was possessed by every other Member in that House. The money which had been advanced was as already stated—a public subscription, and it was advanced for the purpose of defraying the legal expenses of the Colchester election.

Mr. *Tennyson* coincided with the noble Lord, that a sufficient case to call for the appointment of a Committee had not been made out. He thought, in fact, that it would be impossible for the House to send the case to a Committee after the statement of the right hon. the Secretary at War, without, in point of fact, conveying an opinion that they discredited that statement. His hon. and learned friend had undoubtedly brought forward the question with much fairness. He refrained from stating any of the charges, and put to issue the simple question whether or not the money advanced had been advanced from the public funds? He was a member of the Committee sitting upon the Inns of Court, and he had no hesitation in stating, that no evidence had been givn before that Committee to justify the conclusion that it was public money. On the other hand, it had been stated by the right. hon. Gentleman opposite upon his honour, that it was not public money. He had in private urged the Secretary of the Treasury to give his explanation before the Committee; but so satisfied was the right hon. Gentleman of the rectitude of the course he had adopted, that he much preferred to have it mentioned in the House.

Mr. *Hume* said, that it was precisely because he believed the statement which had been made by the right hon. Gentleman, that he thought a Committee ought to be appointed. There was in his judgment no other way of meeting the case so as to do justice to the character of that House. The information upon which his hon. and learned friend grounded his Motion was of such a nature as absolutely to require the appointment of a Committee. It was given by a noble Lord, a Member of the other House of Parliament, who, in his examination, had said, that money had been sent to Colchester from the Treasury—which he thought was sent to support Mr. Mayhew—and that he was returned. Now, after this statement of the noble Lord—that money was sent "from the Treasury" to defray the election expenses of a particular Candidate, who was eventually returned—could the House, in justice to its own character—could it, in justice to the character of the right hon. Secretary, refuse the appointment of a Committee? That right hon. Gentleman he knew was much interested in the elections of the period—and here was a charge that money came from the Treasury—not from private subscriptions —and how then could the House get rid of that charge except by appointing a Committee? He was well aware that his right hon. friend would be able fully and most completely to exculpate himself, and what objection could there then be to the appointment of a Committee? He recollected that on a former occasion the right hon. member for Ipswich stood up and challenged any individual in the House who had ever filled the office of Secretary to the Treasury to show that he had ever been concerned in transactions like the present on the part of Government. He certainly did not believe that such proceedings were attributable to Government. There was only one source from which money could be supplied for such purposes unknown to the public, namely, the secret service money, but that was generally distributed amongst low parties for other and miscellaneous services. However, as the case now stood before the public, he sincerely trusted that the House would not allow any public man to remain subject to the allegation which had been brought against him of having advanced money under circumstances like the present. He trusted, that upon those considerations the noble Lord would withdraw his opposition.

Lord *John Russell* begged briefly to explain the grounds upon which he had felt called upon to oppose the Motion of the hon. and learned member for Dublin. He was quite prepared to admit, that if the only accounts before the House relative to this matter were the evidence before the Committee on the Inns of Court the case would be in a very different position to what it now assumed. The ground upon which he opposed the Motion of the hon. and learned member for Dublin for a Committee of Inquiry was, that the statement which had been made by the right hon. Secretary at War in explanation of his conduct in this transaction had been corroborated by letters actually written between the parties at the time of the occurrence. These documents were amply sufficient to satisfy the House upon the merits of the case.

Colonel *Evans* supported the Motion. Instead of the direct opposition which the Members on the Ministerial Bench seemed inclined to give it, he thought that at least they should propose, by way of amendment, some measure of less formality in accordance with the objects of the hon. and learned Mover.

Mr. *Charles Buller* said, he would meet the suggestion of the hon. and gallant Member by proposing an Amendment to the Motion before the House. He could not help observing, that the present Motion came with a particularly bad grace from the hon. and learned Member, who, with other hon. Members in that House, were so much beholden for their political position to the right hon. Member the Secretary at War and his colleagues in office. The people of England would always feel grateful to that right hon. Gentleman for his exertions in their cause. And he sincerely hoped that the House would not allow a shadow to be cast over the reputation of individuals to whom the country was so deeply indebted. When Scipio Africanus was gravely accused of having raised an unjust tribute, which gave offence to the Roman people, instead of defending himself against the various charges with which he was assailed, he simply reminded the assembled multitudes that that very day was the anniversary of his great victory over Hannibal and the Carthaginians, and then called upon them to follow him to the temple and return thanks to the gods for the triumph of their arms. This they did, and prayed at the same time that all their future commanders might be like him. He did not know whether the House would be inclined to follow the right hon. Secretary at War to the temple and return thanks for their signal victory over the boroughmongers. But this he did say, that he hoped for the future they would always have Secretaries to the Treasury equal to that right hon. Gentleman. This was not his Amendment, however. The Amendment which he had to propose to the House was—"That the House, having heard the statement which had been made by the right hon. member for Coventry, relative to the transactions referred to in the evidence of the first Report of the Select Committee on the Inns of Court, considers that explanation satisfactory, and will proceed no further in the matter."

Mr. Tennyson seconded this Amendment.

Mr. *Wynn* said, that if they were now to decide that the denial of a fact by a Secretary of the Treasury was, in consequence of his high character, to overbear evidence and silence inquiry, it would establish a precedent mischievous in the extreme. Hereafter, if they were to institute any inquiry after a Secretary of the Treasury had uttered a denial of the charge, whatever it might be, it would be fairly considered as an insult to that Gentleman. The evidence was to the effect, that Lord Western, when a commoner, had applied to the Treasury for money for election purposes, and that money was accordingly supplied for these purposes on his application by the Treasury. These, he maintained, were sufficient grounds for instituting the inquiry which was demanded. It had been contended, that there was no difference between the testimony of Lord Western, and the statement of the right hon. Gentleman; but there was: and that difference was obvious. Lord Western was not the defendant. He had not made a statement to exculpate himself; he had simply given evidence on a question in which he had no personal interest. He begged to call the attention of the House to one of its Resolutions, which bore directly upon the question before it:—The House had resolved, "That it is highly criminal in any Minister or Ministers, or other servants of the Crown of Great Britain, directly or indirectly, to use the powers of office in the election of Representatives to serve in Parliament; and an attempt at such influence will at all times be resented by this House, as aimed at its own honour, dignity, and independence, as an infringement of the dearest rights of every subject throughout the empire, and tending to sap the basis of this free and happy Constitution." In 1807, the conduct of Mr. Freemantle, one of the Secretaries of the Treasury, became the subject of animadversion in that House. Mr. Freemantle was a landed proprietor in Hampshire, and of course entitled to a vote for the county, and he wrote a letter requesting votes in favour of a particular candidate. From the contents of that letter nothing whatever could be inferred of Mr. Freemantle's connexion with the Government, and the complaint turned altogether upon the fact of the letter having been dated from the Treasury instead of the writer's private residence. On that simple fact it was contended, that Mr. Freemantle had used the influence of Government in the election. No Member in the course of the debate which took place upon that occasion, disputed Mr. Freemantle's right to take part in the election as a voter or canvasser in his private character. The objection was simply to his having interfered in his official character Now, what was the case with respect to the right hon. Secretary-at-War? He had interfered in the election of Colchester, not as a private individual, but as a Secretary for the Treasury. It was the more necessary to examine scrupulously the conduct of the right hon. Gentleman, because the Secretary for the Treasury was the only officer intrusted with Secret Service money, who was not sworn under Mr. Burke's Act, with respect to its distribution. The Secretary of State for Foreign Affairs was, under that Act, obliged to swear that the money received by him on account of

Foreign Secret Service had been *bonâ fide* expended. The Secretary of State for the Home Department also swore, that the money received by him for Secret Service, was expended in the detection and defeat of treason, and other dangerous conspiracies. The only limitation however, which the Act imposed upon the Secretary of the Treasury was, that he should not draw on account of Secret Service a larger sum than 10,000*l.* in any one year, and the only check upon the expenditure was, that the names of the persons who received Secret Service money, together with the sums paid them, should be entered in a book, to be produced in either House of Parliament, if required. Under these circumstances, it appeared to him, that the Secretary of the Treasury was the most improper person in the whole kingdom to be employed in the distribution of money subscribed for the purpose of carrying on elections. Taking the fact to be as the right hon. Gentleman had himself stated it, was it a matter of no importance that such a sum of money should be placed at the disposal of the Secretary of the Treasury? He appealed to the common sense of the House upon this point. The right hon. Gentleman said, that he had issued similar sums of money for ten or twelve other elections. Was not this a source of dangerous and unconstitutional influence? How could independent Members who had no funds but their own to apply to compete with candidates who were backed with such powerful means? But it was said, that all this money had been expended in the cause of Reform. Now, let the House recollect what definition of the cause of Reform had been given in those walls. The cause of Reform had been defined by the hon. member for Middlesex to be voting that black was white upon the question of the Russian-Dutch loan. The hon. Member said, that he did so to promote the cause of Reform, and that the end justified the means. Was it not possible that Members who owed their seats to the money issued by the Secretary of the Treasury, might consider themselves under an obligation to vote with the Treasury, not only upon the question of Reform, but upon other matters? In the next place, it was said, that the money was appropriated to defray legal expenses, and the right hon. Gentleman spoke of its being applied to carrying out-voters to Colchester. Now, he felt justified in stating, that such an expenditure of money on the part of any persons but candidates themselves had always been considered by Committees of that House as coming within the Treating Act. The House would, upon the present occasion, have to decide, whether they would place such confidence in the assertion of a person accused, as to allow it to be a complete bar to any inquiry. Unreformed Parliaments had always exhibited extreme jealousy rather than confidence with respect to questions of breach of privilege. The Reformed Parliament, however, it would appear, was about to show confidence in, instead of jealousy of, a Minister charged with a grave offence.

Mr. Secretary *Rice* said, that if the case stood as the right hon. Gentleman who spoke last had put it, he should not, perhaps, dissent from the conclusion at which the right hon. Gentleman had arrived. The right hon. Gentleman, however, had not brought before the House the real state of the case, an omission which he would supply, and then leave them, acting judicially, to determine, whether it was a case which would justify the appointment of a Committee of Inquiry. He would not contend, that this was a question which ought to be decided upon a principle of confidence in the present Ministry. He would argue the case as he would if he had no confidence in the Ministry whatever. He undoubtedly had confidence in the individual accused, and his personal character was sufficient to convince him at once, that the statement which had been made respecting him was incorrect. The right hon. member for Montgomeryshire attempted to draw a distinction between the testimony of Lord Western and the Secretary-at-War, by observing, that the former was entirely disinterested, whilst the latter had a distinct personal interest in the matter. Observe to what a conclusion that observation would lead. If the evidence of his right hon. friend was to be considered that of an interested party, it would be necessary to exclude it altogether, although the decision of the question must principally depend upon his explanation of what he did and said in the transaction. Undoubtedly, the statement made by a Member in his place in that House was always considered entitled to great weight. The principle which the right hon. Gentleman had laid down, if carried out to the full extent, would admit the evidence of Lord Western as a disinterested party, and reject that of his right hon. friend. Supposing a Committee should be appointed, would not his right hon. friend be examined before it? [Mr. *Wynn:* He would.] His right hon. friend's statement then must either be received as evidence or rejected altogether. He did not mean that it was to be received as conclusive evidence, but only as part of the materials on which the House was to form its judgment. He asked the House, what was the import of the evidence at present before it? In the first place, he must state, that there was no contradiction between the evidence given by Lord Western, and that of his right hon. friend. And here he might derive some aid from the transaction which occurred in 1807, and which the right hon. member for Montgomeryshire had alluded to. The right hon. Gentleman stated, that misconduct was attempted to be attributed to Mr. Freemantle by connecting his official power and influence with his interference at an election, and the proof was, that he had dated a letter from the Treasury instead of his private residence. If Lord Western's evidence were fairly examined, it would not appear therefrom that his right hon. friend had acted in his official capacity in the transaction with respect to the Colchester election. He was aware, that the answers of Lord Western would bear that construction, but the House was aware in how loose a manner questions were put to witnesses before Committees. The questions put to Lord Western, were all leading ones. Taking the answers by themselves, there was nothing in them to criminate his right hon. friend. The right hon. member for Montgomeryshire had argued as if his right hon. friend's statement was the only evidence before the House; but that was not the case. The transaction occurred in May, 1831, and yet, after an interval of three years, his right hon. friend had by a singular, and fortunate coincidence, been able to produce two letters in corroboration of his statement, having on them the post-mark of the day on which they were written. [Mr. *Wynn* had not seen the letters.] Then, he had a right to complain of want of candour on the part of the right hon. Gentleman. He came down to the House to argue a question involving personal considerations, affecting individual feelings, and yet he had not taken the trouble to peruse the letters, which had not only been read in Parliament, but published in every newspaper in the kingdom. These letters, be it observed, did not come out of the possession of his right hon. friend, but from an unsuspected quarter. The right hon. member for Montgomeryshire said, that it would be easy for a Secretary of the Treasury, under such circumstances as those alleged against his right hon. friend, to produce a letter to give a colour to the transaction. Now, if the letters which had been produced upon this occasion were of a colourable nature, it was not a little extraordinary that his right hon. friend had not preserved the letters or even a copy of them. His right hon. friend, however, was not aware that these letters were in existence until they were handed to him by an hon. Member, who, though not much in the habit of supporting the Government, or passing encomiums upon its members, yet who, much to his honour, came forward upon this occasion, because he considered it essential to the ends of justice. Those letters corroborated the testimony of his right hon. friend. The evidence of his right hon. friend was, as he had before said, not inconsistent with that of Lord Western. His right hon. friend stated, that at the period referred to, a large subscription had been entered into by the friends of a particular political opinion. He would not now stop to inquire, whether subscriptions had been raised in other quarters; he would be satisfied with forgetting for the present that Charles-street was in existence. It was notorious that at the period alluded to, subscriptions were opened for the purpose of aiding the great cause of Reform. Deputations came up from Birmingham and the other unrepresented towns, stating, that as the battle was to be fought in their behalf, they would contribute their share of the expense. Perhaps the right hon. Member was of opinion, that the people of England ought upon that occasion to have stood still, and have made no effort to attain the object which they so ardently desired; but he rejoiced that they had come forward; the poor manufacturers in the unrepresented districts and the inhabitants of boroughs eagerly contributing their money to assist the great cause in which their hopes were embarked. Let it not be supposed that, because he approved of the constitutional effort which the people made upon that occasion, he meant to argue, that it would have been justifiable to make an improper application of the money subscribed. With respect to the necessity of appointing a Committee, how stood the case? If Lord Western's evidence had been given, not incidentally, but before a Committee of Privilege, and thereupon the Committee had called his right hon. friend before them, and he had stated, as he did in the House, that it was true he had sent the money as was stated, but that no portion of it came from the public purse, would not the Committee have resolved immediately, that it was unnecessary to proceed further in the matter? If his right hon. friend would have stood in that situation before a Committee of Privileges, he ought to stand in the same position before the House. The House would not give the subject the go-by if, after having heard the charge and his right hon. friend's defence corroborated by contemporaneous letters, it should determine, that it was unnecessary to proceed further in the business. Under these circumstances, he would give his support to the Amendment which had been proposed.

Mr. *Wynn* said, in explanation, that the right hon. Gentleman appeared to have misunderstood what had fallen from him. He never proposed that the House should proceed against the Secretary at War without hearing him in his defence. If a Committee should be appointed, they would doubtless hear the right hon. Secretary's statement, and examine any evidence which he might bring forward. He could not consider the letters which the right hon. Secretary had read as part of his speech evidence, unless they should be laid upon the Table. The noble Lord opposite would recollect, that Mr. Canning, when Secretary of State, proposed to read a letter in his speech in defence of the conduct of Government, but he was informed, that it could only be received as part of his speech, unless it were laid upon the Table. He really had not seen the letters in the newspapers, but be their contents what they might, it was desirable, for the sake of the right hon. Secretary's character, that, as the charge had been put upon record, his defence should be put on record also.

Mr. *Henry Bulwer* said, that he believed this to be a wheel put into motion in order to crush the most insignificant butterfly of a case which had ever been brought before them. What they had to consider was simply whether the statement made before the Committee, or that made by his right hon. friend, was the more satisfactory. It seemed to him, that the object intended by the appointment of a Committee, was not to offer censure, but to vindicate the character of the right hon. Gentleman. Now, suppose the case of a person brought before a Justice of the Peace accused of an offence—upon the principle of this Motion, the Magistrate might say to the accused, "Oh, you are the most innocent person in the world; but you must go before the Judges to stand your trial." For his own part, he had every confidence in the House, and could trust that its decision upon this occasion would be correct.

Mr. *Baring* said, that Parliament should not allow itself to be diverted from its duty by any special pleading or rhetoric on the opposite side. It should look to such conduct as that of the right hon. Secretary, not with confidence, as was claimed for it, but with vigilance and jealousy. The right hon. Gentleman had the secret service money in his hand, and could dispose of it without responsibility or check. He gave a sum of money to meet the election expenses of an avowed supporter of the Government; and though he said that sum was drawn from a private fund, yet what could prevent the public from supposing, that it was given by Government for the purpose of promoting its own interested views? The fact of an application of a sum of money by the Secretary of the Treasury for securing the return of a friend to Government, was proved by Lord Western, and was admitted by the Secretary himself. The gravamen of the whole charge rested on the admission of the right hon. Gentleman—for, by his own showing, he was guilty of a gross breach of privilege, and the House would grossly neglect its duty if it overlooked such a case. In what situation would the House be placed if it followed the advice of those hon. Gentlemen who were friends to Government, and rested satisfied with the explanation of the right hon. Secretary? He was astonished that Ministers should so far trifle with the privileges of Parliament, and Whig Ministers too, as to advise such a course. How did the facts stand? Supposing the statement of the right hon. Gentleman, the Secretary at War, to be perfectly and strictly true, the affair at present was in this position:—A Secretary of the Treasury, an officer connected with the Government in a peculiar way, for there were two Secretaries of the Treasury, the one having to attend to matters properly belonging to the finances of the country, and the other having to do the jobbing, in fact the dirty work of the Government. Such was the fact, and it was notorious. He made not the remark as applicable only to the present Government, but to all Governments which had hitherto been, and he feared would be until human nature was altered, notwithstanding all the reforms which had been, and could be, introduced by the Ministers. Well, the person holding that office, upon the statement of the right hon. Gentleman, was selected to work the elections throughout the country, through the medium of a subscription raised out of private funds. But the noble Lord (Lord Western) whose evidence had led to the special Report from the Committee distinctly stated, that he had applied to the right hon. Gentleman, not because of any private intimacy subsisting between them, but because he was Secretary to the Treasury, and it was to the Secretary of the Treasury as such that the application was made. It was to the Treasury the letter was sent, and did the Treasury answer it? Yes.—The money was furnished. Then would that House do its duty, if it expressed itself content to leave the Report without further notice? Assuredly not. What was the explanation of the right hon. Gentleman to the statement? He said he did send the 500*l.* to Colchester and to a dozen other places. He managed a private subscription, and he had so used it. And upon that statement, his right hon. friend (Mr. Rice) asked if the House could entertain the thought of further proceeding. The House could not, consistently with the maintenance of its character, pass by such a matter without full investigation; and when he saw his noble friend (Lord Althorp), in whose integrity and nice sense of honour he had the most perfect reliance, countenancing a different course, he could not but express his astonishment at the monstrous lengths to which honourable public men might be driven by the violence of party feelings.—The question was not merely whether or not the public money had been used—that supposition, the statement of the Secretary at War had in his mind set at rest—but here was a Secretary of the Treasury, an officer of the Crown, and whose interference with elections had been declared a high breach of the privileges of that House, receiving and answering applications for money to carry on elections at the Treasury. And when the case was brought forward the explanation was, that he had sent money to a dozen other places for a similar purpose. Some hon. Members had treated the Motion before the House as if it had come from his right hon. friend (Mr. Wynn); but it came from the hon. and learned member for Dublin, who could not perhaps be accused of enmity to the present Government, and still less to the Secretary at War—and who had doubtless brought it forward because he felt that a matter of so much importance and affecting so deeply the privileges of that House, and the character of Government, could not be passed over without strict and full inquiry. One word as to precedents. It had been said, that the transactions occurred at a particular period, when men's minds were strongly excited. That surely was no ground for passing it by without investigation; and he entreated the House to be slow in establishing a precedent which might be quoted for dangerous and destructive purposes. In justification of the transaction, it had been urged that similar funds were raised by the opponents of the conduct pursued by the party with whom the right hon. Gentleman acted. He did not understand that any one objected or could object to private subscriptions for the purpose of legally carrying on elections. They had heard, for instance, of a fund at the Crown and Anchor Tavern; and to that he did not know that any objection could be taken. It had also been stated, that there was a fund of the same description collected in Charles-street. All that he could say upon that point was, that, although he had been in the habit of meeting many gentlemen in that place, he had never been applied to to contribute to any such subscription, and upon his honour he knew of no such subscription.—Such was the fact; but whether there had been such a fund or not was a matter of no consequence, and had nothing whatever to do with the question before the House. To one other point only he would allude, and that but for a moment. An hon. Member (Mr.

Peter), in his great indignation at interference in elections, had had on the books ever since the commencement of the Session a notice of Motion for an Address to the Crown, to pray the Crown to remove the Earl of Warwick from the office of Lord-lieutenant of a county, because it had been proved before a Committee of that House, that the noble Lord had been guilty of lending his brother a sum of money which had been used for electioneering purposes.—Such was the height of the indignation of the hon. Gentleman, that time could not allay it—that the universally-admitted amiable character, retired habits, and freedom from strong political bias in the Earl of Warwick could not induce him to abandon his notice, for however much longer the Motion might be postponed. Then he would suggest, if his noble friend (Lord Althorp) still resisted inquiry in this case of the Secretary of the Treasury, that the hon. Member should extend his protective care of the privileges of that House; and, while he provided for the reprobation of a Lord-lieutenant of a county for lending money to a brother, he should at least address the Crown also to deprecate a Secretary of the Treasury working in the Treasury a dozen elections.

Lord *Althorp* considered the present Motion more as one of censure than of inquiry; because the hon. Gentleman had declared, that the facts, as they were admitted to stand, called for the reprehension of the House. He had the honour of having been a Member of that House when the case of Mr. Freemantle, alluded to by the right hon. Gentleman (Mr. Wynn), was discussed in 1807; and speaking from his recollection of what had passed on that occasion, he must say, it had been admitted by all, that the Secretary of the Treasury had as much right to interfere, as a private individual, with an election, as any other person in the country. The right hon. Gentleman placed the case not at all on the ground on which it had been originally discussed; in fact, he seemed to treat it as if the question had depended on the circumstance whether the letter had been dated from the Treasury-chambers, or from Mr. Freemantle's own private residence. But the question was altogether different. Mr. Assheton Smith, who had introduced the subject upon a petition, to the notice of the House, stated the charge in these words:—"The Petition, it would be recollected, charged that hon. gentleman (Mr. Freemantle) with having written to the barrack-master-general, directing him to use the whole extensive influence of the barrack department, in order to promote the election of the candidates recommended by the Ministers for the representation of the county of Southampton." And the answer which Mr. Freemantle gave was, that "he only recommended the candidates whom he wished to succeed to the favourable influence of the Barrack-master-general, and requested of him to recommend them to the other gentlemen in that department." And even Mr. Canning, who spoke in favour of the Motion for referring the petition to a committee of privileges, admitted, that "nothing was more true than that the persons composing a government were not disqualified from exerting their rights as individuals, in common with every other subject; but they should exert them with caution, so that it should always appear to be the individual right they exerted, and not the power and influence of the Government. The hon. Gentleman might have written to his private connexions and dependents with all possible zeal and ardour to exert themselves to promote the election of his friends; but the ground of complaint was, that the letter was addressed, not by Mr. Freemantle, a gentleman of property and a freeholder of Hampshire, to General Hewitt, a person of private connexion in that county, but from Mr. Freemantle, Secretary of the Treasury, to General Hewitt, head of the Barrack-department, claiming the exertion of his influence through all the ramifications, connexions, and dependencies of that department." Now, surely it would not be contended that his right hon. friend the Secretary at War stood in those circumstances. Having alluded to the case of Mr. Freemantle, he must be allowed to say, that those who sat on the Opposition side of the House did not hold doctrines similar to those which had been stated by the hon. Member who spoke last (Mr. Baring), because when that hon. gentleman (Mr. Freemantle) complained that he was placed in a situation of great difficulty, from having taken office immediately before a general election, Mr. Rose got up and said, he could not conceive how that circumstance could at all increase the exertions of a Secretary of the Treasury, As to the question now before them, undoubtedly a subscription had been raised, of which his right hon. friend in his character as an individual, not as a Secretary of the Treasury, had been appointed manager, and in that character he had advanced money to persons who were engaged on the same side of the political question which he supported. It was by no means the fact that the case rested entirely on his right hon. friend's own evidence, because the hon. member for Colchester had put into his hands the letters which had been written on the occasion, and of the existence of which his right hon. friend had been altogether ignorant, which gave to his statement an entire confirmation, and distinctly proved that the money had been raised by private subscription. With respect to the funds which had been collected, no one could object to their application towards defraying the legal expenses of elections in support of that cause which the subscribing parties espoused. Even the hon. member for Middlesex could not possibly object to that proposition; that hon. Gentleman had too constitutional a feeling against spending any money of his own in election contests to object to it; because, when he was first elected for Middlesex there was no contest, and the expense of the hustings even had been paid by subscription. The question now simply was, whether his right hon. friend should be censured, and to refer the matter to a committee of inquiry would amount to a censure, because he had been selected by the subscribers to take the management of their funds. Notwithstanding the personal appeal which had been made to him, he must oppose the Motion.

Mr. *George F. Young* felt it his duty to support the Motion. He should do so, not from at all doubting the statement of the Secretary at War, in whose integrity he had the most perfect confidence, but because he thought the people had a right to be convinced as well as that House, and that inquiry would lead to a conclusion triumphant to the character of the right hon. Gentleman. The right hon. Secretary of the Colonies (Mr. Rice) had said, there was no precedent for calling for an inquiry when a Member had pledged his word and honour to a statement; but he was prepared to show that that was a mistake. The hon. and learned Gentleman (the member for Tipperary) had pledged his honour on a late occasion, and a right hon. Baronet (Sir Robert Peel) had contended that that very fact made inquiry necessary, and a Committee was appointed. He contended, that the honour of the Government required investigation, and, therefore, he should support the Motion.

Mr. *Cutlar Fergusson* said, he believed that was the first time in which a Committee had been required in a case in which both parties admitted that they heard the truth. Before any Committee could be necessary, it would be right to show that the money was given for illegal purposes.

Mr. O'Dwyer thought the Motion entirely unnecessary.

Mr. *Sinclair* said, he was so perfectly satisfied with the explanation of the right hon. Gentleman, the Secretary at War, that he should vote against the Motion for further inquiry.

Mr. *Estcourt* would intrude on the House only for a very few minutes. He very rarely troubled the House, and never, he trusted, abused its indulgence. He was not one of those who had had the advantage of fully hearing the explanation of the Secretary at War. It was said, that explanation had been perfectly satisfactory; but when it was made, the charge was not formally before the House. It was true the Report had been brought up, and he believed the hon. and learned Gentleman who had presented it had expressed his intention to move that it should be printed; but, before that was done, the right hon. Gentleman had thought proper to make his explanations. Now, by that proceeding those who happened not to be in the House were surely not to be precluded from inquiry? [*Cries of "Divide."*] Some hon. Members seemed extremely anxious to divide, and perhaps they had some good reasons for such conduct. Lord Western had been asked a question as to whether he wrote to Mr. Ellice for the money, and his answer was "No." If hon. Members would hear a little further, they would find they had not cheered in the right place. The answer was to the effect, that he wrote for the money for the purpose of carrying on the election of Mr. Mayhew, that he wrote to the Secretary of the Treasury, and that the money was paid from the Treasury. In a case of such delicacy he could not understand how the Government could refuse inquiry. In the case of Mr. Windham Quin, which arose out of circumstances somewhat similar, Lord Castlereagh expressed an opinion that that hon. Gentleman had completely refuted the charge which was brought against him; but nevertheless he voted in favour of a Committee of Inquiry, because that noble Lord considered it essential, that a charge of that nature against a public man should be thoroughly investigated. If Ministers supposed that the country would rest satisfied with the bare explanation of the right hon. Gentleman, they were very much mistaken. He had no doubt of the integrity of the right hon. Gentleman; but he did not hesitate to say, that in the opinion of those who did not hear his statement, and in the opinion of the people of England, he was not cleared from the charge which had been brought against him.

Mr. *Ruthven* did not think, that a sufficient case had been made out for further inquiry. If any Gentleman would state, on his honour, that he was prepared to bring forward any evidence on the subject, he would vote for further inquiry; but that not being the case, he should oppose it.

Colonel *Evans* must support the Amendment; but he wished that his hon. and learned friend would withdraw his Motion, and not force on a division.

Mr. *O'Connell* said, he wished to adopt the advice given him, and withdraw his Motion. He could, however, do no such thing. He spoke not merely upon his sense of duty as chairman of the Committee making the Report; but also as a Member of that House bound to consider the matter. It appeared to him to involve a plain Breach of Privilege. The Committee appointed to investigate the case of the hon. member for Colchester had no authority to demand a copy of the correspondence of Lord Western. If they had they would have insisted on its production. The answers of the Secretary at War to that correspondence did not satisfy him of the innocence of the right hon. Gentleman, nor did he believe they would satisfy the public. Certain documents which were calculated to throw light on the matter, were admitted to exist, and without their production he did not think it would be possible altogether to acquit the Government of all participation in the charge brought against them in the person of the right hon. Secretary of War. The House was told they would be establishing a bad precedent in acceding to the Motion. In his humble opinion they would be adopting a much worse precedent in refusing it. In more points than one they would be adopting a bad precedent in refusing the Committee for which they sought. It was said, that if an hon. Member on being accused of improper conduct, was able to make a defence resting altogether on mere verbal allegation, the House could not grant a Committee of Inquiry into the matter without treating the party so accused as a liar, and one altogether unworthy of belief. Surely a worse precedent than that could not be established. It was at all events a precedent which he implored the House, as they valued their character in the country, not to sanction. In his opinion, nothing was more calculated to render the present case one of frightful enormity, than the opposition which the Government had offered to his Motion for an investigation. An hon. member (Mr. C. Buller), had committed an outrage on those splendidly imaginative faculties with which bountiful nature endowed him, in attempting to prove an identity of conduct between the right hon. Gentleman, the Secretary at War, and Scipio Africanus; but he put it to the House to say if the speech of that hon. Member, or the speeches of those who took a similar view of the subject, with his, were at all calculated to satisfy the public mind that the public money had not been showered forth, in God alone knew how many places, by the Treasury, for the purpose of securing the return of their immediate partisans. What had been the conduct of an unreformed Parliament upon an occasion in every respect similar to the present? An accusation was brought against Mr. Windham Quin, an individual whose character at the time the accusation was preferred stood in the public estimation, at all events as high as that of the right hon. Gentleman the Secretary at War; and although he offered a defence which in the opinion of a great portion of the House, was deemed satisfactory, a Committee of Inquiry having been moved for, it was granted, and in the result evidence was adduced which brought home the charge to that person, and in the end was the means of putting a stop to his political career. And even the Reform Parliament—that Parliament so much vaunted as the palladium of the people's liberty,—that Parliament to which the people were told to look for redress and support—was the Reformed Parliament he asked, prepared to resist an inquiry into a matter so deeply affecting the constitutional rights of the people, that even a borough-mongering Parliament could not, had it been proposed to them, refuse it? The affair was called "a butterfly." "I'd be a butterfly born in a Committee-room," he supposed, and was melodiously warbled forth with every possible variation by the hon. Member the inventor of the Scipio Africanus imagery and his friends; but was this, he asked, the way a question of such magnitude and importance ought to be treated? Ought such a question, he submitted to the House, be treated with a degree almost, if not altogether, amounting to indecorum? The Government sought to smother the subject by the exercise of the influence they possessed in that House; but he could assure them the time was passed when they could expect to carry everything by influence, unless indeed it was the influence of public opinion. Let the Government not outrage that opinion. It had been with them for some time past; let them take care how they hazarded it. The public attention was narrowly directed to their conduct, and one false step—a step of the character they were about to take—might sink them irrevocably in the abyss of unpopularity. It had been asked in the course of the then discussion, "If it be enough to be accused, who will be innocent?" But might not he (Mr. O'Connell) with much more reason ask, "If it be enough to deny, who will be guilty?" Let the Reform Parliament, he again said, take care how they refused the Inquiry. The Reformed people expected it; let not their Representatives disappoint that expectation. Great indeed was his supprise, and great indeed, he doubted not, would be the surprise of the country, when it was ascertained that the foremost in opposition to his Motion for inquiry was the great patriot of Reform, the noble Lord, the member for Devonshire. The hon. member near him (Mr. Charles Buller)—the hon. Member whom he would henceforth dub with the title of "Scipio Africanus"—had spoken of an appeal to the gods, and he was bound to say the appeal had been promptly responded to. No sooner was it made than up started the noble Lord, the god of Reform idolatry, who, *parmulâ non relictâ*, threw over his right hon. friend the broad shield with which his former valiant deeds in the cause of the people armed him. He besought the Government to recollect they were opposed by two parties in that House—firstly, by that which was accused of going too far; and secondly, by that which was said not to go far enough. Let it not, under such circumstances, go forth to the public that the Motion was supported by those who were deemed inimical to public liberty, and supported by that party to whom they looked up as their friends. Satisfied at all events he was it would be said that the sole motive which could actuate the Government in resisting the Motion was a fear that the result would prove unfortunate; and if there was no reason for entertaining such a fear,—and he would go so far as to say he believed there was not,—he earnestly and solemnly implored the noble Lord and his colleagues to accede to his Motion, and grant the investigation prayed for.

The House divided on the Amendment; Ayes 114; Noes 34; Majority 80.

Resolution proposed by Mr. Buller agreed to.

List of the Noes.

Baring, A.
Baring, F.
Buckingham, J. S.
Dick, Quintin
Duffield, T.
Duncombe, Hon. W.
Egerton, Tatton
Estcourt, T. G. B.
Faithfull, G.
Gladstone, T.
Gladstone, W. E.
Hotham, Lord
Hughes, W. H.
Hume, Jos.
Irton, S.
Lincoln, Earl of
Nicoll, Dr.
O'Connell, D.
O'Connell, J.
O'Connell, Maurice
O'Connell, Morgan
O'Connor, Feargus
Oswald, R. A.
Richards, J.
Roche, W.
Roe, James
Ronayne, D.
Ruthven, Edw.
Sanderson, R.
Vigors, N. A.
Waddy, Cadwal
Wason, R.
Wilks, J.
Wood, Colonel
Wynn, Right Hon. C. W. W.
Young, G. F.

PAIRED OFF.

Bruce, Lord E.

Prosecution of the True Sun.] On the Order of the Day being read for the House to go into a Committee on the Bill for Suppressing Disturbances in Ireland,

Mr. *Feargus O'Connor* rose to bring forward the motion of which he had given notice, for an Address to his Majesty, praying that he would be graciously pleased to pardon Mr. Patrick Grant and Mr. John Bell, editors of the *True Sun* newspaper, now confined in the King's Bench prison; he said he was desirous most earnestly of pressing upon the House the adoption of the motion with which he intended to conclude, for clemency and mercy were amongst the best prerogatives of the Crown. The hon. Member then proceeded to read extracts from the *Standard*, the *Albion*, the *Guardian and Public Ledger*, *Blackwood's Magazine*, the *Examiner*, the *John Bull*, the *Morning Post*, *The Times*, the *Manchester Advertiser*, the *Dublin Freeman's Journal*, *Cobbett's Register*, &c., &c., censuring the severity of the proceedings against Messrs. Grant and Bell, observing, that however opposed in politics these several publications were to the *True Sun*, they all agreed in reprobating the conduct of the Government towards the editors of that paper. They all agreed that it was ill-timed, oppressive, and totally unjustifiable. He begged to call the attention of the House to the opinion pronounced by the present Lord Chancellor when examined before the Committee now sitting on the subject of the Law of Libel. That great law authority had stated, that he would not punish for a political libel. He had been present in the Court of King's Bench when the Attorney-General addressed that Court in aggravation of punishment, and in the course of that speech, he admitted that he would not plead for punishment for speeches delivered at elections or after dinners. If he would not prosecute the speakers, why prosecute the publishers? If one man might innocently utter such language, so might another. Why make a distinction between Lord Milton and Mr. Grant? Lord Milton and Mr. Brougham might be permitted to pass, and so might *The Times* newspaper, for then the hon. Gentleman needed its support, but he did not fear to attack the *True Sun*. There was scarcely a man in the country ignorant of the fact, that the party of the present Ministers were, when out of power, most strenuous advocates for the liberty of the Press; the country had now a specimen of the manner in which their professions were acted on. It would be recollected that last year the House of Commons rescinded a vote to which it had previously come respecting the Malt-tax, and on the day following there appeared an article in the *True Sun* advising the people to resist the payment of taxes, in the hope that the imposition of a Property-tax, in lieu of the existing taxes, would thereby be rendered necessary. This article was published, be it remembered, at a period of great excitement; and if it was thought deserving of prosecution, why was it that *The Times* escaped prosecution? The reason was, because that paper had a party in the House ready to defend it. When this prosecution was first commenced, the proprietors of the *True Sun* were informed, that if they apologized, or made any concession, the judgment of the court would be asked for merely as a matter of form. This they very properly refused to do; and they were punished therefore, not for having made a flagitious publication, but because they had the manliness to refrain from doing an act which they considered would have disgraced them. As the law of libel now stood, the public derived no benefit from it; and in his conscience he believed that, in the case to which he was now drawing the attention of the House, it had been perverted to suit the wishes of the Government. He regarded the course pursued by the Government towards the *True Sun* as most impolitic; and instead of endeavouring to stifle public opinion, he would recommend them to depend upon it as their best support. The present Ministers had been fortunate enough to have several votes of confidence passed in their favour; but if they continued to prosecute the Press, could they fancy that those votes would be repeated, or if repeated, that they would be sincere? He contended, that too much freedom could not be allowed to the public Press of this country; for, taken on the whole, a purer or more honourable Press did not exist in the world. He appealed, then, to the hon. and learned Gentleman's mercy and sense of justice. He appealed to his common sense. It surely could not be the intention of the Government to crush this paper. The proprietors were men of family and respectability: one of them was connected with two Cabinet Ministers. They had expended a large amount of money on the paper, which was conducted with great talent and honesty; and he really thought, that as the law was satisfied by the verdict which had been given against them, the Government could not do better than release them from a tedious imprisonment. The hon. Member concluded by making the Motion above stated, as an Amendment to the Order of the Day.

Mr. *Hume* seconded the Amendment, and said, that he was at a loss to understand how it was, that in the prosecution of the *True Sun*, his Majesty's Ministers had acted so contrary to the principles they had always professed, and to the recently expressed opinion of the Lord Chancellor, who had openly declared, that he disapproved of prosecutions for offences like that of which the proprietors of the *True Sun* had been accused. He therefore asked not for mercy, but for justice, on behalf of the proprietors of that newspaper; being entirely of the same opinion as the Lord Chancellor, that that man was oppressed who was prosecuted for expressing his opinions on any subject. He believed, that the hon. and learned Attorney General contended, that it was illegal for one person to advise another not to pay taxes, but he (Mr. Hume) had always understood, that occasions might arise when resistance to Government would become a virtue. There could be no doubt that if the principles on which the prosecution of the *True Sun* was founded were acted on to their full extent, the consequence must be, that all discussion respecting the conduct of Government would be stifled in this country.

The *Attorney General* said, as he had been so pointedly alluded to, both by the hon. mover and the hon. seconder of the Motion, he hoped for the indulgence of the House, whilst he defended himself from the attack which had been made upon him. It might be enough to state, that this *ex-officio* information was filed by his hon. and learned predecessor, with the full concurrence of every member of his Majesty's Government, including the Lord Chancellor. From the mere accident of his hon. and learned friend being indisposed and confined to his bed, he conducted the prosecution in court, with which otherwise he should have had nothing more to do than to call a witness from the Stamp-office to prove that Messrs. Bell and Grant had made an affidavit, that they were the proprietors of the *True Sun*. But he did not by that observation seek to shelter himself from the responsibility which was sought to be cast upon him. He was willing to acknowledge, although then he held only the office of Solicitor General, that he entirely concurred in that prosecution, and thought that his Majesty's Government, and the law-officers of the Crown, would have been guilty of a gross dereliction of duty had it not been instituted. With regard to the present Motion, he believed, that it was the first instance of an attempt being made, under such circumstances, to interfere with the prerogative of the Crown. Hitherto, if a harsh sentence had been passed, or circumstances, after the passing of a just sentence, had occurred, to give the party a claim to have it mitigated, the Crown had been applied to for the indulgence. But if the Motion were to be carried, the House would supersede the prerogative of the Crown, and with all deference for the House, he must say, that the prerogative of mercy was better vested in the Crown than in any popular assembly. Let the responsible advisers of the Crown be answerable for not giving proper advice as to the exercise of this prerogative, but let not the House take the exercise into its own hands. There was another objection to the Motion of the hon. and learned member for Cork. The hon. Member had not moved to have the record of the proceedings laid before the House, and he called upon the House, in entire ignorance of the nature of the prosecution and of the offence for which the sentence of the Court of King's Bench was passed, to address the Crown to set it aside. The hon. Member had not, in fact, told the House what the charge and the sentence were in the course of his long and eloquent speech. The hon. member for Middlesex, who seconded the Motion, evidently had not even read the publication. With his usual candour, the hon. Member assented to the truth of the observation. The hon. Member said, that it was for abuse of his Majesty's Ministers. It was not for any abuse of his Majesty's Ministers that the prosecution was instituted. As long as he held the situation that he had now the honour to fill, he should never sanction any prosecution for mere abuse of the existing Government, or for mere vituperation of a public man. He was willing that there should be the most ample discussion of all political subjects—he was willing that every opinion, that every sentiment that might be entertained respecting the Government, or any member of the Government, should be fairly and fully expressed. If those sentiments or opinions were true, they ought to be expressed, and to be acted upon; if they were false, they might be safely despised.

He disapproved of the present Law of Libel; there were several parts of it which were a reproach to English jurisprudence. He was of opinion, that proof of the truth of the libel should be admitted in evidence — not necessarily to justify the libel, but to go to the Jury, in order that they might judge whether the publication was malicious or not. There was another material Amendment of the Law of Libel, which he wished to be carried into effect. At present, if an action were brought for a libel, even a farthing damages carried costs, and the defendant was generally obliged to pay the costs of both parties. The consequence was, that the most scandalous pettifogging actions were brought, without the hope of obtaining substantial damages; but merely for the sake of the Attorney's costs. But there was no Amendment of the Law of Libel which, in his humble judgment, could ever render innocent a publication such as was the subject of prosecution in the case of the *True Sun*. Although opinions might be published with impunity, the laws must be respected; and when a publication openly incited to a violation of the duty which every citizen owed to the State, and to a breach of the public peace, it became imperatively necessary that the authority of the laws must be vindicated. The hon. member for Middlesex smiled, and seemed to think, that there ought to be no punishment for any publication whatever; but that must depend on the nature of the publication, and the circumstances under which it was ushered to the world. Suppose, for instance, that a man should publish as his opinion, that the houses, or stacks, or barns of certain individuals should be burnt, would the hon. Member regard that as the expression of an innocent opinion, unworthy of the notice of the law? He agreed with the hon. Member, that the expression of opinion upon political topics ought to be free; but when advice was given, which, if acted on, must necessarily lead to a violation of the law—to disturbance of the public peace—to insurrection—to bloodshed—to treason—then it was indispensably necessary that the law should interpose; and no Government, whatever the form of it might be, could possibly be sustained whilst such publications were allowed. Although he was far from defending the Law of Libel as it at present stood, he must nevertheless observe, that much undeserved obloquy had been thrown upon it by the absurd attempts to define a libel. It had been said, that anything was a libel by which the feelings of another might be hurt. He spurned such a definition. It was like Shylock being allowed his pound of flesh, but "not one drop of blood." It would be almost impossible, in political discussion, to avoid saying something by which the feelings of others might be hurt. In all cases, the intention of the writer ought to be regarded; the necessary tendency of what he wrote should be canvassed; the question should be put—"Is this fair discussion?"—and the Jury should determine whether it was for the general good that the publication complained of should be permitted or punished. What was it, however, for which the prosecution in the present case was instituted? It was not for abuse of the Government or of any Minister of the Crown, or of either House of Parliament,—for if such things were made the subjects of prosecution, prosecutions must be instituted every day; and they might be passed over without danger to the safety of the State; but while he held office, he would not, be the consequences what they might to himself, allow writings which incited to a direct violation of the law to pass with impunity. He would inform the House what the nature of this publication was. The first part of the publication of which he complained declared, that the House of Commons — the Reformed House of Commons, too — ought to be entirely pulled down, and that some other ruling authority should be established in its stead. Speaking of the House of Commons, the writer said:—'It stands in all its unseemliness before us, right in our path, 'shocking us with its disgusting and loathsome brutality of aspect, and resolved not 'to crawl an inch out of our way. We 'must make it. It must move forward. 'The hideous thing cannot be suffered to 'squat where it does. If we cannot stir 'it, we must leap over it at all hazards. 'We cannot stand looking at it day after 'day; the sight is too sickening—the creature is too venomous—its attitude is too 'revoltingly ugly. Neither can we descend 'the precipice which we have scaled, and 'sink again into the slough of despond. 'No, we must go on at any rate, or be 'starved. Well, then, we have tried all 'ordinary means. We have soothed and 'implored—we must employ threats, as 'we have done before with success; and if 'threats operate no better than smiles and 'fair words, we must put these same threats 'into force.' In another passage were these words:—'Those who are suffering 'under wrongs must petition Heaven, and 'not the House of Commons. They are 'past man's help.' In another passage it was said:—'It (the House of Commons) 'has decided, that the amount which every 'man is called upon to pay to Government, 'shall not be regulated according to his 'property. What, then, remains to be 'done? The House has rescinded its own 'Resolution of Friday,—the people must 'rescind the Resolution of the House of 'Tuesday. They must refuse to pay what 'they can only pay at the expense of their 'common ruin.' He contended, that such remarks were not simply an expression of an opinion; but it was stating broadly, that the House of Commons had so conducted itself, that it ought to be superseded, and that the payment of all taxes which might be imposed ought to be resisted. One of the defendants, in fact, did not disguise the obvious meaning of the article, for he boldly stated on his trial, that the actual state of the country was worse than any anarchy which could arise. The article in which it was thus laid down, that the House of Commons ought to be superseded, and that the people should take the Government into their own hands, appeared in the *True Sun* on the 1st of May, 1833; and on the following day, a letter appeared in the same paper, pointing out how this should be done. The editor said, —'We select the following from the numerous letters which we have received 'upon the subject;'—and that subject was the non-payment of taxes. Then came the letter, in which were the following passages:—'As defiance has been offered to 'the wishes of the people by the non-'representative Parliament, defiance must 'be the remedy on the part of the people. 'Since petitioning is evidently useless, 'and since it is the will of the majority of 'the householders, that the Assessed-taxes 'should be removed, they must take this 'branch of political affairs into their own 'hands; and, with a view to that end, I 'propose that associations should be formed 'for mutual aid and advice, for the resistance of these odious and unpopular taxes.' There was first the article of the editor himself, in which he said, that the House of Commons must be superseded; and then, on the following day, some person, who had read that article, wrote the letter which he had just quoted, pointing out the manner in which the suggestion of the editor might be most completely and most speedily carried into effect. Was it possible, he asked, that any Government whatever could possibly stand, if such publications as these were suffered to pass without notice? Allusion had been made to the evidence given before the Libel Committee by the Lord Chancellor, in which it was said, that that noble and learned Lord expressed his disapprobation of prosecutions of this kind. Any opinions given before that Committee could not be quoted, because the Committee had not yet made its Report, and because no member of it could divulge the evidence taken before it without a gross breach of confidence. The evidence, it was true, had been printed and circulated for the use of the members of the Committee; but, with the express caution, that it was not to be divulged to any person not on the Committee. If the Lord Chancellor, in giving his evidence before that Committee, intimated any such opinion as that attributed to him by the hon. and learned member for Cork, he begged leave to say, that he entirely dissented from it. To say, that it would be time enough to prosecute associations for resisting the payment of taxes when they were actually formed, but that we ought not to prosecute those who had advised and promoted the formation of them, was to lay down a principle in which he could never concur; for he held, that if any act, when done, was criminal, and a fit subject for prosecution and punishment, those who had encouraged and incited others to the commission of that act of criminality were themselves amenable to punishment, and fit objects of prosecution. With respect to the expediency of instituting this prosecution, if the House considered what was the state of the public mind at the time, it might judge how much publications of this kind, from their mischievous tendency, required to be suppressed. Associations were forming on the advice given—for the purpose of refusing to pay taxes. Many did refuse to pay, and attempts were made to rescue the goods seized in consequence of that refusal. It was necessary to show the public, by instituting this prosecution, that the law would not tolerate such proceedings. In the debates on the Irish Coercion Bill, the Government had been taunted with not resorting in proper time to the remedies given by the Common Law, for preserving the public peace, and upholding the institutions of the country. Had this prosecution not been instituted—had the system of passive resistance been adopted and established in England—who could tell whether the melancholy necessity might not have arisen of proposing a suspension of the Constitution, or some temporary encroachment upon the liberties of the people. Let him now ask, had there been the smallest complaint as to the manner in which the prosecution was conducted? Would the hon. and learned member for Cork, who, he believed, was present upon the occasion, say, that the defendants had not a fair trial? The Jury were indifferently chosen, and showed the greatest impartiality; no improper topic had been addressed to them by the Counsel for the Crown, and to the charge of the Judge no exception could be taken by any one who admitted that a publication might be criminal. The Counsel for the defendants—nay, the defendants themselves admitted, that the trial was fairly conducted, and that they could not complain of the verdict. After trial and conviction, it was of course necessary that the defendants should be brought up for judgment. If they had made any concession, he should have prayed for a mitigation of the punishment, or even for a nominal judgment. He had no personal feeling whatever on the subject. He believed, that the defendants were respectable in private life; but if the public safety required that the prosecution should be instituted, the private character of the individuals could not be taken into consideration. The sentence of three months' imprisonment, he believed, was milder than had been before passed on any similar occasion. Even when they came up to receive the judgment of the Court, Mr. Bell still adhered to the doctrine laid down at the trial, that the then existing state of society in this country was worse than any anarchy that could arise in consequence of any publication of his. It had been said, that he spoke in aggravation of the sentence. That was not the fact. On the contrary, he called upon the Court to inflict the mildest punishment that it should deem consistent with the extent of the offence. That was an outline of the whole matter. How, then, were the Government or the law-officers of the Government to blame? Reference had been made to other articles published in other journals, which it was said were fully as deserving of prosecution. He knew of no such articles. Reference had also been made to certain expressions said to have been made use of with respect to resistance to taxes by a noble Lord (now a Member of the Upper House). The learned Judge who tried the defendants very properly observed, that these expressions could not be made the subject of a prosecution, and when these expressions were mentioned in this House, his noble friend, the Chancellor of the Exchequer, had strongly condemned them. Reference had likewise been made to certain language said to have been used by an hon. Member of this House in addressing his constituents. He did not see how evidence of the use of such expressions could be obtained so as to make them subjects of prosecution, unless the Government were to adopt a system of spies and informers. Besides, he thought that a very great latitude ought to be allowed to a Member in addressing his constituents. Allusion had also been made to words said to have been spoken in this House. Hon. Members who used that argument ought to know that words spoken in this House were sacred. When published by others, they might in strictness be prosecuted, but, God forbid, that he for one, should ever sanction the principle of prosecuting parties for publishing *bonâ fide* reports either of what took place in that House, or at public meetings, or in the Courts of Law. But, then, the hon. member for Middlesex, feeling, as he apprehended, that he had no real ground of accusation against the Government, or any member of the Government, for the course taken upon this particular occasion, exclaimed, "Oh! you are general persecutors of the Press,—you are attempting to put down the liberty of the Press,—you will not allow the free expression of opinion." He denied the charge in the broadest and most positive terms. There had been only one *ex-officio* information filed since Earl Grey came into office. It was well known, that former Governments were not so sparing of this power of the law; and it was a fact that Sir Vicary Gibbs filed twenty *ex-officio* informations in one single morning. But the present was the only *ex-officio* information which had been filed within the last three years and a-half. It was submitted to a jury, and the jury, after a patient and most impartial investigation, found the parties guilty. Allusion had been made on a former occasion, in his absence, by the hon. member for Bath, to a prosecution which that hon. Gentleman blamed the Government for having instituted. As he was not present upon that occasion, and consequently had no opportunity of defending the conduct of the Government, he trusted he should be allowed to say one or two words upon that subject now. The prosecution to which the hon. Gentleman referred, was instituted against an individual for having distributed a handbill, containing the grossest abuse of his present Majesty,—abuse expressed in terms the most revolting, and which, out of respect to the House, he would not venture to repeat. [*"Read! Read!" "No! No!"*] If it were called for, to gratify the hon. Gentlemen opposite, he would read the paper, though it would be with repugnance. It began, "Poor William Guelph."—[*"No, no!"*] He certainly thought, that the dignity of the House would be best consulted, if he abstained from reading such a foul and slanderous libel upon the Sovereign, and he was glad, that the good feeling of so many hon. Gentlemen interposed to prevent him. But, passing over that part of the hand-bill which referred to the King, he might state what was the general character of the rest. It began by asserting, that every man had a right to vote in the election of those who were to assist in making the laws which he was required to obey—that if that right were denied him, he was absolved from all obligation to obey the law, and the people were justified in taking the government into their own hands. "If," said the hand-bill, "this right be denied you, stand forward boldly, manfully, and at once; there never was a more favourable opportunity for a simultaneous movement than the present. If you wish to know how the people who are not represented are to obtain representation—here is the secret—represent yourselves." The hand-bill then went on to point out how this could be done, which was, by electing delegates from the different towns and boroughs in the country; and that nothing would be more easy than for the real to turn out the mock delegates, who were, in fact, only waiting for a "notice to quit." He understood it was argued, on the occasion to which he referred, that the party who was prosecuted for the sale of these hand-bills was totally ignorant of their contents. But he could prove, that the defendant had a large bag full of them at Covent Garden, and that he announced his knowledge of their contents, by calling, "Here, for a penny, you have a remedy for all your evils—a national convention." The hon. member for Middlesex laughed at that; but let him remember that the following up of the advice given in this very hand-bill subsequently led to the shedding of blood. A meeting was held some time after in Calthorpe-street for the purpose recommended by this hand-bill. Many of the persons attending it were armed; some of the police were stabbed by them, and one man lost his life. He was aware that opinions were different as to the conduct of the police on that occasion; but a Committee of the House, after a full investigation of all the facts, acquitted them of any blame. Whether they were to blame or not, he would contend, that this hand-bill was one which any Government must prosecute, or submit to the charge of being accessaries to all the mischief it might occasion. For his own part, he must say, notwithstanding the obloquy which the hon. member for Middlesex had attempted to cast upon him, that he should again take a similar course, under similar circumstances. He would, on all occasions, do his duty. Notwithstanding what had been said, and what had been done by the hon. member for Middlesex, he felt pride in stating the fact, that since the occurrence of these events, a large, and most respectable, and most intelligent body of constituents—the electors of the city of Edinburgh—had returned him to Parliament as their representative. The hon. member for Middlesex interfered to prevent his election. The hon. Member sent a letter to the electors of Edinburgh, advising them by no means to return Sir John Campbell, because he was connected with Ministers who had broken their pledges by refusing an extension of suffrage and vote by ballot. But the hon. Member had much better mind his own affairs, and not attempt to dictate to others. If blame were cast upon the right hon. Gentleman, the former Secretary to the Treasury, for interfering in the return of a Member—if this could not be tolerated in a Secretary to the Treasury—it was still less becoming, still less justifiable, in the hon. member for Middlesex, to take upon himself to nominate candidates to represent different places throughout the country. Notwithstanding the exertions of the hon. member for Middlesex, he gloried in the result, that the metropolis of his native country had approved of his public conduct, by returning him as one of its Representatives to Parliament; and he was not afraid that, by continuing to discharge his public duty as he had hitherto done, his character would suffer in the estimation of his countrymen. He should continue to do all in his power to defend the just prerogative of the Crown, and to maintain the rights and privileges of the people.

Mr. *Hume* begged leave to explain. The hon. and learned Gentleman had alluded to the letter which he wrote to Edinburgh on the subject of the late election there. The hon. and learned Gentleman ought, in candour, to have mentioned also the letter which he (Mr. Hume) wrote in his behalf to the electors of Dudley, when he contested that borough some time since. The allusion of the hon. and learned Gentleman to a letter addressed to a private party, and not intended for publication, was not quite fair. The Edinburgh letter was written in reply to a gentleman of that city, who applied to him upon the subject of the late election; and as the matter had been mentioned, he had no hesitation in saying, that he expressed an opinion, that the hon. and learned Gentleman, from his situation in connexion with the Government, was not the independent man whom he thought it would be desirable for the electors of Edinburgh to choose as their Representative.

The *Attorney General:* The hon. Member no doubt had told the truth, but not the whole truth. There was a great difference between the letter to Edinburgh and the letter to Dudley. In this, which was strictly a private one, the hon. Member said, he would not give his advice unless it were asked; but the letter which he wrote to Edinburgh was read from the hustings, and placarded over the whole town, which he was sure would not have been done by the respectable individual to whom it was addressed if he had not had the hon. Member's consent.

Mr. *Hume* said, that if the hon. and learned Gentleman would produce the letter which he (Mr. Hume) had written to Mr. Cooke, in answer to one from that Gentleman, it would not bear out the construction which the hon. and learned Gentleman had put upon it. If the hon. and learned Gentleman did not produce it, he (Mr. Hume) would.

Sir *Henry Hardinge* did not rise to take any part in the dispute between the hon. and learned Gentleman and the hon. member for Middlesex. Leaving that, he would beg to offer a few words on the question now before the House. He did not think that the defendants in the case of the *True Sun* had, from the nature of the charge brought against them, any claims to the interference of that House, but he agreed that there were some grounds for interference on their behalf in the facts, that the hon. and learned member for Southwark, and a noble Lord now a Member of the other House had used worse language than that imputed to the defendants, and had been allowed to escape with impunity. He thought it too bad that the two individuals—one the brother of the Lord Chancellor, and the other a noble Lord of high rank—should have received, not punishment, but honour and emolument, while the editor of the *True Sun,* who occupied a comparatively humble station in life, should be punished for an offence which in the other instances had been followed by reward. The editor of the *True Sun,* seeing others promoted after having used nearly the same language, might not unnaturally have thought that some emolument would also have followed in his case. When he saw a noble Lord (the member for Devonshire) receive a vote of thanks from the Birmingham Union, which Union the Lord Chancellor had pronounced little short of treason, and yet found that the noble Lord (Lord John Russell) had acknowledged with thanks the honour conferred on him —he repeated, when he saw this, and when he saw a noble Lord and a Master in Chancery escaping with impunity for words nearly similar to those charged against the editor of the *True Sun,* he did think there was some ground for interference on behalf of the latter to obtain the clemency of the Crown. When he said this, he was far from agreeing in the opinion that it was cruel to punish an expression of opinion, however honestly meant. If a man spoke treason, it would not be said that, however honest he was in his expression of his opinion, he ought not to be punished for it. He was not surprised that impressions should gain ground that a man was not answerable for opinions honestly expressed when he heard the Lord Chief Justice of England clothed in the authority of his previous official character, say that that was the happiest moment of his life in which the punishment of a party whom he had convicted was remitted, for that as long as a writer only gave expression to his sincere and honest opinion, he ought to have no torturer behind to punish him for the imputed offence. He would ask, when such opinions came from such a quarter, how was it possible for the editor of a paper to avoid offending against the Law of Libel? When a Master in Chancery, an Attorney General, and a noble Lord uttered such opinions without being reproved by any Minister of the Crown, he thought it was but common justice for the House to interpose to relieve parties of lesser note from the penalties which they might have incurred by following the example of impunity held out in higher stations. He concurred with the hon. and learned Gentleman in the propriety of a Law Officer of the Crown discharging his duty in not letting gross cases of libel escape, but he thought it hard to punish one man for that which in others had been passed over with impunity. He could not agree with the hon. and learned Gentleman, that parties ought not to be prosecuted for libels against the Houses of Lords and Commons, and the hon. and learned Gentleman, if he looked back, would find that a very different practice prevailed in the time of "the pure old Whigs." The hon. and learned Gentleman had also said, that he would not prosecute for a *bona fide* publication of words spoken at a public meeting, for that such could not be well prosecuted unless by the employment of spies and informers; but surely if seditious or treasonable words were spoken, and they could not reach the utterer, they could come at the editor, or reporter, or publisher. Yet he must admit, that it would be unjust to prosecute the editor for such words spoken, while the party speaking them was suffered to escape. He agreed with the sentiments which his Majesty's Attorney General had that night expressed, though they were undoubtedly opposed to those which he had expressed last night upon the Irish Coercion Bill. He had said last night, that those who excited to sedition must be punished; and yet, by consenting to take out of the Coercion Bill the three clauses against public meetings, he had acted directly in the teeth of that proposition, and done exactly what he ought not to have done. From what he had heard that evening, he thought that a case had been made out for Ministers to interpose in favour of men who had been misled by the example of persons in higher situations than themselves, and those, too, connected with his Majesty's Government.

The *Attorney General* rose in explanation. The right hon. Baronet had misunderstood him in supposing that he had stated, that he never would prosecute a libel, however gross, on either House of Parliament. The sentiment which he had expressed was this—that he should be reluctant to prosecute for anything said by constituents of their Representatives, for, in his opinion, they ought to have free opportunity to discuss the proceedings of both Houses of Parliament. With regard to the occurrence of public meetings, he had said, that no account of what took place there could be procured for the Government except through the agency of spies and informers, whom he should be sorry to employ, and that great latitude ought to be given to the speakers who took part in them; but to say that he never would prosecute a man for seditious words used at a public meeting, would be to hold language which would be very unbecoming in him, considering the situation which he had the honour to hold. He had never used the language imputed to him by the right hon. Baronet.

Sir *Henry Hardinge:* I took down the words of the hon. and learned Gentleman, and I understood him to say, "I never will file an *ex-officio* information so long as I have the honour to hold my present office, for a libel, however gross it may be, either on the House of Lords, or on the House of Commons." It is sufficient for me to hear the hon. and learned Gentleman say what he has said, to convince me that I must have been wrong.

Mr. *O'Dwyer* thought, that the silence of the gallant Officer who had sat down was much to be deplored. He did wish that the gallant Officer had found it convenient to record his opinions on the Law of Libel, if it was only for the sake of reference in future debates. Certainly the vote of the gallant Officer, if considered abstractedly, was in favour of free discussion and the liberty of the Press; but if the vote were taken in relation with the speech, he should regard the proceeding altogether as one directed against free discussion. In a word, the right hon. and gallant Officer voted for the pardon of Mr. Bell and Mr. Grant, because Lord Milton and Mr. Brougham had not been prosecuted; but if the four individuals had been prosecuted and convicted, the hon. and gallant Officer would then maintain the propriety of their imprisonment. For himself, he was in favour of the Motion, and was opposed to the prosecution. He thought it an unwise and unworthy prosecution; and he had heard nothing from his Majesty's Attorney-General to alter his opinion. The hon. and learned Attorney-General had said, that he would not prosecute speeches made at a public meeting of constituents, who met to convey their opinions to their representatives. Well, then, where was the difference? What was allowable in a public speech could not be improper in an editorial article; and, if Mr. Bell and Mr. Grant might have been permitted to make violent speeches in their individual capacity of electors, there was nothing very aggravating in the altered circumstances of the case, which substituted the use of the imperial "we" for the first person singular. But what was this libel? It was talk—mere talk. Would such articles stir up a mutiny? He thought not. It had been said—falsely said, he believed—that in another country a paragraph might produce a crisis; but the immobility of the English character was not easily acted upon, and the effect of editorial stimulants amongst Englishmen exhibited itself in larger potations of stout, and more extensive consumption of tobacco. If, indeed, the Attorney-General could have connected any overt act of crime with the incitement of the alleged libel, there would be a justification for the prosecution; but there was no result of crime—this vehement address produced no harm to the State. These gentlemen, too, had been convicted previously of another libel, and the Attorney-General had thought it becoming to demand that they, then suffering, should receive an accumulation of punishment. For these reasons, he thought that these gentlemen were fit objects for the royal mercy, and he should support the Motion. He should thus have the honor of dividing with the gallant officer who had spoken before him. He would claim the benefit of his vote, but, in conclusion, he protested against his reasoning.

An *Hon. Member* also expressed his intention to support the Motion; for he thought, that what was sauce for the goose ought also to be sauce for the gander. In supporting the Motion, he did not mean to say, that the prosecution was improperly instituted; but he recollected the example which had been set by others, and also the great excitement which prevailed at the time of the publication of the libel respecting these taxes. He could see no reason why the Government had determined to repeal the assessed taxes, rather than give relief to the distressed agriculturist, except that the Yorkshire Stingo was nearer Downing-street than either Buckingham or Chester.

Lord *Althorp*, referring to the observation of the Attorney-General, that he had not undertaken the prosecution of this paper without the concurrence of the Administration, admitted the correctness of that statement in the fullest sense. He could not say, that it was in consequence of this libel that resistance to the law took place, but, certainly, resistance did take place upon the very grounds stated in this paper. Though he was not anxious to prosecute the Press, and though he was anxious for the most free expression of public opinion on the conduct of public men, yet he could not see how the Government could have been justified in forbearing to prosecute papers which excited to a positive breach of the law. This paper had excited the people to a breach of the law, and it therefore became the duty of the Government to interfere.

Mr. *Tennyson* admitted, that it was impossible to take out of the hands of the Government the power of prosecuting libels which excited men to a breach of the peace. He acknowledged that this libel advised resistance to the law; but then the House ought to consider the excitement which prevailed on the subject of these taxes, and that individuals in high station, and connected with office, had unthinkingly given similar advice on a former occasion. His impression respecting this libel was, that it recommended passive resistance to these taxes, in the hope that the people would thereby obtain what the editors of the *True Sun* thought very desirable—a more equitable distribution of the pressure of taxation. He knew that similar advice had been given by some Members to their constituents; but he had never employed such language, either in that House or out of it, to his constituents. He suggested the propriety of not coming to a vote upon this proposition, as in that case he thought that the noble Lord might be induced to extend pardon to these individuals.

Mr. *Maxwell* said, that if this proposition were pressed to a division, he should certainly feel it to be his duty to vote against the Motion of the hon. member for Cork. At the same time, he did not see any reason why the *True Sun*, the only journal which defended the rights of the unrepresented, should on that account be visited with extraordinary severity. Rather than come to a division, he hoped that the hon. member for Cork would hold his Motion suspended over the head of the Government. He was sure that his Majesty's Ministers must feel the arguments which had been addressed to them on this subject, and that they must be glad to have an opportunity for showing mercy to these unfortunate individuals. If they did not show that mercy, he should, on a future occasion, most certainly give his vote in favour of the proposition of the hon. member for Cork.

Mr. *O'Connell* said, that there were many parts of our code of law which were disgraceful to the country; but there was none so outrageously disgraceful, none so thoroughly disgusting, as our law of libel. According to that law, the distinct avowal of the most undeniable truth for an honest purpose was criminal. He had brought in a Bill at the early part of this Session to remedy many of the faults of that law; but the wet blanket of a committee had been thrown over that Bill; it had been suffocated by that proceeding; and whether it would ever be suffered to revive again was more than he could pretend to prophesy. The Attorney-General had treated with great contempt the doctrine, that anything which was calculated to offend the feelings of another was a libel; but by whom had that doctrine been held and maintained? By no less an authority than Lord Ellenborough, who had laid it down very distinctly in the case of "The King *v*. Cobbett." This it was, that had rendered it libellous to call Lord Hardwicke "a Cambridgeshire sheep-feeder," though he unquestionably did feed sheep in Cambridgeshire, and to call Lord Redesdale "a stout-built special pleader," though every body knew that he had been a special pleader, and was at the time of the publication stout-built. He admitted, that, as far as England was concerned, the present Government had been cautious in meddling with libels. Indeed, libels of an atrocious nature passed every day with impunity, owing to the feeling that nothing was so disgusting as to meddle with them. In reference to the observations which had been made upon the impropriety of alluding to the evidence taken before the committee on the Law of Libel, he contended, that as the committee was not a secret but an open committee, at which every Member had a right to be present, and which all the public might have attended, had the room been sufficiently large to comprehend such numbers, it was perfectly competent for any Member to quote the evidence which had been given before it. The caution on the back of the printed evidence, to which the hon. and learned Gentleman had alluded, merely stated that the minutes were printed for the use of the committee, and were not to be communicated further; but there was no objection to any Member's availing himself at any time of his recollection of what that evidence was. It was not true, that the Attorney-General was in the chair when the Lord Chancellor was examined. It was the Solicitor-General who was in the chair; and on that occasion the Lord Chancellor did, in the most emphatic terms, condemn all these public prosecutions for libel; and what was more, he condemned them in such general terms, that the Attorney-General felt very uneasy about his prosecution of the *True Sun*. That prosecution was certainly condemned by the denunciation of the Lord Chancellor; and so strongly did the Attorney-General feel it, that the Lord Chancellor was immediately asked, "Do you condemn the prosecution of the *True Sun*?" "Oh, no," said the learned Lord, "that was a very good prosecution," and the Attorney-General got off under shelter of the Lord Chancellor, just like a rat under the corner of a cloak. The only thing which palliated that prosecution was the recommendation of resistance to the payment of taxes contained in the libel. Now, upon that libel two questions arose. The first was, whether it was wise to prosecute at all; and to show that it was wise, the Attorney-General, with that tact which had raised him to his present high station in his profession, had thrown in the actual resistance which he said had been made in consequence of it to the payment of the Assessed Taxes. Now, that resistance took place six weeks before this article was written, and therefore could not be a consequence from it.

The *Attorney General* said, that it was written before the resistance was made, and referred to dates, to prove his assertion.

Mr. *O'Connell* said, that he wished he had a jury to try that point with the hon. and learned Gentleman; but let that pass for the present, and let the House consider what that resistance was. Some old women rescued from a broker certain property that had been seized; and the next day the police were called in, and all the property was recovered. It was not that poor resistance which had terrified the Government into the repeal of part of the assessed taxes, any more than the remonstrances of the farmer had terrified it into giving that relief to the agricultural interest which was so much wanted. It had been said, that his Majesty's Government had censured Sir Thomas Denman in private, for the opinion which he had given in public in that House, on the justification which a libel received from the honesty of intention of the author. He could not bring himself to believe, that such had been the case: but even if it had, the censure must have been light, and must have soon blown over, as the Government had now placed him on the bench as the head of the common law. He did not think that, on the present occasion, either his hon. friend, the member for Cork, who was so zealous an advocate, or the right hon. Baronet, who was so good an officer, had shown much adroitness as tacticians. They had accused men of high station, of recommending similar resistance to that recommended by the *True Sun*, and had blamed the Government for patronising parties who had given such recommendation. Now, such accusations almost prevented the Government from acceding to the proposition for mercy; for it might be conceived, that in acceding to it, they were tacitly condemning themselves. The course pursued by the right hon. Baronet on this occasion was a good party tactic, but it was a bad expedient for obtaining mercy. It was a good *smouch* at the Government, but poor Bell and Grant would not be a whit the better for it. He trusted, however, that the noble Lord opposite, yielding to the well-known generosity of his disposition, would overlook these party tactics, and would say, "There is no resistance now, and there can be no resistance in future, to the payment of these taxes. These poor men are counting their continuance in prison, not by days, but by hours; they are struggling for existence,—they have families to support,—their offence has ceased, and therefore their punishment shall cease also." He appealed to the noble Lord opposite, whether there was not an entire cessation of their offence at present, and would it not, therefore, produce a more powerful impression in favour of Ministers on the public mind to remit the sentence awarded to these offenders, than to force them to endure it in all its original severity? He suggested to his hon. friend, the member for Cork, the propriety of not pressing this Motion to a division, lest there should appear an awkward contrast between the conduct of Government in promoting the hon. and learned member for Southwark to a high judicial situation, and its conduct in sending Messrs. Bell and Grant to prison for recommending exactly the same advice to the people. He thought it would be much better to withdraw this proposition for the present, placing confidence in the Government—that as they knew that the suffering of the offenders must continue, although the offence had ceased to exist, they would remit the rest of the sentence which these parties had to suffer. This was the last and only prosecution for libel in England during this Administration. Oh, that such were the case in his unfortunate country! But he would check his feelings: this motion was for mercy, and he would not introduce any topic that was likely to embitter the discussion, or to irritate a single individual.

Mr. *Feargus O'Connor* said, that he was not in the habit of forestalling confidence, especially when that confidence was to be placed in Ministers. If the noble Lord would give him any promise—[" *No, no,*" " *Withdraw the Motion.*"] He could not do that. In justice to the interests of the parties connected with the *True Sun*, he could not consent to withdraw this Motion. With respect to the libel, against the prosecution of which the hon. and learned member for Bath had expressed himself so strongly, he had only to say, that it had been as strongly denounced by the *True Sun* as by any other of the public journals.

The House divided on the Motion: Ayes 46; Noes 108—Majority 62.

List of the AYES.

Attwood, T.
Barry, G. S.
Bish, T.
Bulwer, H. L.
Blake, M:
Buckingham, J. S.
Brotherton, J.
Chandos, Marq. of

Dashwood, G. H.
Evans, Colonel
Faithfull, G.
Forester, Hon. G.
Gaskell, D.
Grattan, H.
Grey, Hon. C.
Gronow, Captain
Grote, G.
Hutt, W.
Kemp, T. R.
Lynch, A. H.
Manners, Lord R.
Mullins, F. W.
O'Connell, Daniel
O'Connell, Morgan
O'Connell, John
O'Connell, Maurice
O'Connor, Don
O'Dwyer, A. C.
Palmer, General
Roche, W.
Roe, J.
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Sinclair, G.
Tennyson, Rt. Hn. C.
Torrens, Col.
Tullamore, Lord
Vigors, N.
Vincent, Sir F.
Waddy, C.
Wallace, R.
Walker, C. A.
Warburton, H.
Wood, Alderman

TELLERS.

Hume, J.
O'Connor, Feargus

SUPPRESSION OF DISTURBANCES—(IRELAND.)] The House went into Committee on the Suppression of Disturbances (Ireland) Bill.

Mr. *O'Connell* proposed the omission of such portions of the 28th and 31st clauses as, in point of fact, suspended the Habeas Corpus Bill all over Ireland; for the effect of the enactment was, that any person who happened to be arrested could be kept in gaol without bail or mainprize, though the offence of which he was accused should be bailable. There was nothing in the state of Ireland to justify this, and he therefore trusted that there would be no objection to expunge those two clauses from the act. He should bring up the following clause:—"Be it enacted, that all such provisions of the Act as make it a good and sufficient return to a writ of Habeas Corpus, that the party in question is detained by virtue of the powers conferred under the Disturbances Suppression (Ireland) Bill, are hereby repealed."

The Clause was read a first time, and, on the question, that it be read a second time,

The *Attorney General* said, that if the provisions to which the hon. and learned Gentleman objected were omitted under the clause now brought up, the effect would be not to mitigate, but aggravate, the severity of the Act. The hon. Member proposed to expunge a provision which prevented any person from being kept in prison for a longer period than three months without trial, and the result would be, that prisoners might be detained six or nine months waiting for the assizes. The power of keeping parties in custody for three months without bail was more necessary since the omission of the courts-martial clauses. It was wrong to call this a general suspension of the Habeas Corpus Act, because the provision applied only to disturbed districts.

Mr. *O'Connell* said, that he meant his clause to apply only to bailable offences.

Sir *Robert Peel* expressed his surprise that the House should consent to discuss a Bill of such importance without having a copy of it before them. He defied any one to follow or understand the discussion under existing circumstances. The House ought not to renew a Bill of which so much was altered and repealed, without having the measure distinctly before them in the shape in which it was now proposed to be enacted. What objection could there be to placing the Bill on the Table in such a form as to be intelligible to Members, to the Magistrates who were to administer it, and to the people who were to obey it? It was a mockery of legislation to tell the people of Ireland that they were bound to obey the law, and then refer them for its provisions to the statute of 1833 in the first instance, and afterwards to this Bill, telling them to pick out the meaning of both, and conjecture the object and intent of the Legislature as well as they could from a comparison of the two statutes. The hon. and learned Gentleman opposite seemed to be exceedingly enamoured with a short bill; but there was no advantage in brevity that could compensate for the absence of clearness and perspicuity.

The *Attorney General* said, that the House was in precisely the same situation now as on former occasions, when it had been proposed to continue Acts of Parliament, repealing certain clauses. The statutes which were known so generally, and so creditably to the right hon. Baronet, under the title of "Peel's Acts," repealed some statutes entirely, and repealed others partially, leaving the remainder of the latter in force; but this was never considered any objection to them on the score of want of perspicuity. He admitted, that hon. Members could not well understand the discussion, if they had not the original Bill before them; but every Member had been furnished with a copy, and ought to be able to refer to it.

Mr. *Thomas Wallace* said, that if the debate of the former night were compared to the Bill which was not before them, it would be seen that the whole of that debate was thrown away, as no one last night thought, that the only tribunal persons oppressed could appeal to was a military one. He hoped that the whole Bill would be printed and submitted to the House, so that any person of ordinary intelligence might know what the proposed measure was to be. The Bill had been so much altered that it was impossible for any one to form a correct opinion of the new law.

Mr. *O'Reilly* objected to the Habeas Corpus Suspension Clause, since by it innocent persons might be taken up, and, as they would not be allowed to put in bail, the consequence was, that they would be kept in prison until the time of their trials.

Mr. *Henry Grattan* began to address himself to the conduct of the police towards his tenantry at Monaghan, when

Mr. *O'Connell* rose to order, and put it to his hon. friend whether there was not enough in the question itself to occupy the House, without introducing extrinsic matter.

Mr. *Grattan* would go into the case on the Report.

Mr. *Lynch* contended, that under the circumstances, the suspension of the Habeas Corpus Act, would be unprecedented. It was uncalled for, and unnecessary. He, last year, called upon his Majesty's Ministers to state a single reason to justify the suspension of this sacred right of the people. No answer was then given to him. He now repeated the same question, and he did expect some cause to be assigned before the House would consent to this direct infringement of the liberty of the subject, this gross violation of the Constitution. It was contended last year, that there was political agitation in Ireland, which ought to be put down, and to justify that assertion, his Majesty's Ministers referred to the meetings then held in Ireland, and the political associations then existing in that country. It was stated, that there was predial agitation in Ireland which ought be repressed. But to justify this suspension, there was not even an attempt made in the way of argument or reason. He opposed the clause last year, and he would now oppose it. If they referred to history, they would not find any analogy between the present and any other case in which the Habeas Corpus Act was suspended in this country. The first suspension took place in 1689. Ireland was then in a state of actual war. War was likewise declared against France, in consequence of her assistance to the deposed King; and in Scotland, persons were apprehended actually assisting to aid his pretensions. Again, in 1699, besides the great activity of the exiled monarch to recover the throne he had lost, there were very great exertions on the part of the Scotch nation, who were still desirous of bringing back the dethroned monarch. In 1715, this country was threatened with an invasion from France, for the purpose of recovering the Throne for the Pretender, and at that time, a state of actual rebellion existed at home. In 1722, a conspiracy was discovered against the life of the King, and plots and deep-laid schemes on behalf of the Pretender. In 1744, besides internal rebellion, there was a threatened invasion from France; and in 1746, when a suspension took place, the Habeas Corpus Act was suspended, on the ground that there was actual rebellion existing. In 1794, dangerous communications were held with France, and we were then at war with that country. Another suspension took place in 1798, upon the ground that revolutionary France, in the plenitude of her success, was exerting all her powers against us, and at the same time there existed disturbances in both countries. The next suspension was in 1801, at which period we were not only at war with France, but threatened by invasion, and the greatest possible distress existed, of which the disaffected took advantage, and buoyed up by the hopes of foreign aid, were, by a sudden explosion, to carry into execution the most fatal and dangerous designs. In 1803, there was a suspension, but under what circumstances? War and threatened invasion, and an actual insurrection in Ireland. What was the inference from those several instances to which he had adverted. Was it not, that recourse was never had to the suspension of the Habeas Corpus Act but when there was either war with a foreign power, or a rebellion existing in the country, or a threatened invasion or a competition for the Throne. He said they had a legislative declaration in effect, that the Habeas Corpus Act in Ireland should not be suspended except in cases of invasion or actual rebellion. He appealed to the Act of the 21st and 22nd George 3rd, chap. 11, the Habeas Corpus Act of

Ireland, and whereby power was given to the Lord-lieutenant to suspend the operation of the Act in cases of actual rebellion or invasion. This, he said, was most important, not only as a legislative declaration that, in these instances only, a suspension should take place, but this being a law now in force, the House must infer there was no actual rebellion, otherwise his Majesty's Ministers would have put the law in force, and have suspended the Habeas Corpus Act without any application to Parliament. He (Mr. Lynch) contended, that not one of the cases which could be brought forward was a case analogous to the present. Let it not be said, indeed it was not said, that there was disaffection to his Majesty's person or Government. There was, however, another instance of the suspension of the Habeas Corpus Act in this country, and which it was not his intention to overlook. He alluded to 1817. He admitted we were not then at war—no threatened invasion—no Pretender; but there was a pretext, or at least an attempt to prove, that a most traitorous conspiracy existed for overturning, by means of a general insurrection, the government and the laws, which was not confined to the metropolis alone, but extended to all the manufacturing and populous towns. There were also threats of firing towns and assailing the soldiery. He asked, would any Member of his Majesty's Government pretend, that there was any analogy between that case and the present? He asked was there any evidence of a traitorous conspiracy existing in Ireland, or of any disaffection to his Majesty's Government? Could not every outrage stated be traced to the opposition given to tithes, to the dispossession of tenantry, the competition for land, and the starvation and poverty of the people. If there were any affinity between the two cases, he could not bring himself to believe that his Majesty's Ministers would cite the authority of what took place in 1817. The noble Lord (the Chancellor of the Exchequer) on that occasion said, that confidence was no argument when the question was the safeguard of the Constitution. The Lord Chancellor said, that the suspension only proved, that the Constitution was of no use, and the liberties of Englishmen were of no value. In the year 1819, the most inflammatory publications were circulated — military training—no warrants capable of being executed—the orders of the Magistrates disregarded—the Government threatened with the non-payment of taxes, and the landlords with a cessation of rents. Was suspension then resorted to? No. Supposing everything stated in that House, and everything stated in the other House, did not rest on mere allegation, but was actually proved, where was the distinction between the year 1819, and the year 1834 in Ireland? Were not the disturbances in 1819 in England much more alarming than those in Ireland of 1834? Did not they border much more closely on disaffection and rebellion? What were the measures then adopted in England? Was there a suspension of the Habeas Corpus Act? No. Then why should the Constitution be violated in Ireland, and the rights of the people suspended? The Attorney General insinuated, that the cause for this suspension was the intimidation of witnesses and Juries. He (Mr. Lynch) denied, that any such intimidation existed; and he appealed to the several convictions at the different Assizes in Ireland. He appealed to the several charges of the Judges made at those Assizes, and he asked was not the withdrawal of the Court-martial clauses an admission on the part of Government that no such intimidation existed. On these grounds he would vote for the Motion of the hon. member for Dublin, and again appeal to the justice of the House.

Mr. *Sheil* called upon the Government to bring forward the Bill with the clauses in it, so that the House might have an opportunity of discussing its provisions in detail, and not be called upon to enact them in the mass, as was proposed. He contended, that it was against the law to suspend the Habeas Corpus Act beyond the time at which parties had a right to claim their trial before the Judges. He gave notice that he should move on the report, that the Government be called on to re-enact the Coercion Bill clause by clause.

The Committee divided on Mr. O'Connell's clause—Ayes 35; Noes 72: Majority 37.

The Clause was agreed to.

List of the AYES.

Attwood, T.
Barry, G. S.
Beauclerk, Major
Blake, M. J.
Callaghan, D.
Gillon, W. D.
Grattan, H.
Grote, G.
Gronow, Captain
Kennedy, J.

Lynch, A. H.
Mullins, W. F.
Nagle, Sir R.
O'Connor, F.
O'Connor, Don.
O'Connell, Daniel
O'Connell, Maurice
O'Connell, Morgan
O'Connell, John
O'Dwyer, A. C.
O'Reilly, W.
Pease, J.
Perrin, Serjeant
Potter, R.
Roche, W.
Roe, J.
Ruthven, E.
Ruthven, E. S.
Sheil, R. L.
Sullivan, R.
Vigors, N. A.
Waddy, C.
Wallace, T.
Walker, C. A.
Warburton, H.
Williams, Colonel

Mr. *O'Connell* moved the insertion of a clause, the effect of which was to repeal so much of the provisions of the former Bill as related to the offence of making signals by fires or otherwise.

The Clause having been brought up and read a first time—on the Motion, that it be read a second time,

Mr. *Littleton* opposed the insertion of the clause, as it was calculated to defeat one of the leading features of the measure, and thereby make it inefficient.

The *Attorney General* remarked, that no hardship to innocent parties could ensue from the re-enactment of the original clause, as it would be necessary to satisfy a Jury that fires were lighted and other signals made for the purpose of giving signals of an illegal Act before any conviction could take place.

Mr. *Henry Grattan* remarked that parties who joined in the customary celebration of St. John's Eve, and other anniversaries, might be liable to punishment under the original clause, and he should therefore support the Amendment.

The Committee divided on the Clause—Ayes 27; Noes 72: Majority 45.

The House resumed. The report to be received.

South Australia Colonization.] Mr. Wolryche Whitmore moved the second reading of the South Australia Colonization Bill.

Mr. *Young* objected to proceeding with this Bill at so late an hour (2 o'clock). He should move, that the Bill be read a second time that day six months.

Mr. *Wolryche Whitmore* explained that the object of the Bill was, to introduce a better principle of colonization into our system, which, if successful, as he hoped it would prove, must be of great benefit to our colonial possessions, as well as to England and Ireland. The present Bill would greatly serve Australia, as it would encourage the emigration there of able-bodied labourers.

Mr. *F. O'Connor* should oppose the Bill on the hon. Member's own showing, for there was a want of able-bodied labourers in Ireland and in other parts of the empire.

Mr. *Sheil* said, that he very seldom differed from his hon. friend (Mr. O'Connor), but it really appeared to him very much like a paradox when he heard him objecting to any means of getting rid of a superabundant population. In his own parish there were upwards of 200 persons every week who said, "Give us food, or give us work," while it was not always possible to give them food, and impossible to give them work. As the plan had received the disinterested sanction of his Majesty's Government, he thought it deserved consideration as a question of philanthropy and of national usefulness.

Mr. Secretary *Rice* felt himself called on to state, on the behalf of the Government, that in the sanction which Ministers had afforded to the introduction of the Bill, they had not given it any undue encouragement. Not only had the authors of the measure made out a strong *primâ facie* case for the introduction of the Bill, but they had also given such an explanation of the principles on which the colonization was to be conducted as induced him to hope that the plan would have a successful issue. A very heavy responsibility had rested on him personally in steering the middle course, between refusing encouragement and giving too decided a sanction to the measure, and he had suggested some alterations in the Bill which he thought necessary to secure its efficiency. There was one to which he particularly wished to call the attention of the House and that of the framers of the Bill, as some alteration in it would be required; namely, that some engagements should be entered into, and some sums be deposited, for the purpose of securing the State against any charges for Government appearing in the miscellaneous estimates. In order to effect this object, he had suggested, that there should be covenants, and a certain sum put down as a guarantee; and in accordance with this suggestion, it had been arranged that 20,000*l.* should be placed by the authors of the project in the hands of the Treasury. A slight alteration was, however, required to make this sum available for the purposes of

Government, as under the Bill, as it stood at present, the sum could not be touched. He hoped that the House would allow the second reading, and that an early day might be appointed for the Committee, that the Bill might pass into a law this Session.

Mr. *Hughes Hughes* said, that it was absurd to expect that the House should jump to a conclusion in an hour on a subject which had occupied the framers of the measure nine or ten months, before it was brought to any thing like maturity. Now, what did the preamble of the Bill contain? It declared it was intended to occupy waste and unoccupied lands. The hon. and gallant Colonel (Colonel Torrens) might laugh; but if report said true, instead of laughing, he ought to explain, for no one was more interested in the explanation. He repeated, waste and unoccupied land, which were supposed to be fit for colonization. Which were supposed! And was the House to desire the labouring population to expatriate themselves on such grounds as these? That House ought to be a conservative body, and not to sanction any such plan, without being fully convinced of its succeeding. On these grounds, although he was not disposed to move, that the Bill be read a second time this day six months, yet, in order to give time for the due consideration of the Bill, he should move that it be read a second time this day week.

Colonel *Torrens* declared himself at a loss to understand how the hon. member for Oxford could object to the colonization of unoccupied lands. Would he have occupied lands colonized?

Sir *Henry Willoughby* was anxious to state briefly his reasons for supporting the Amendment of his hon. friend, the member for Oxford. At the hour in the morning at which the House had arrived, it was impossible that a proper degree of discussion could be given to a scheme of colonization which differed from all former schemes. He understood the principle of this method to be, that large capitalists should purchase land, and that those emigrating as labourers were not to hold land. [" *No, no*."] Well, then, if that were not so, he so understood the Bill, and he furnished in his own person a proof how necessary it was, to give more time for the consideration of the subject; he had the Bill put into his hands for the first time only a few hours ago, and this appeared to him to be its distinguishing principle. He wanted to know how, if this scheme should fail, these poor labourers were to be reconveyed home. Seeing, as he did, that there was a great disposition to divide and none to discuss the principle of the measure, he should certainly support the Motion of the hon. member for Oxford.

The House divided on the Amendment: Ayes 17; Noes 33—Majority 16.

Mr. *G. F. Young* expressed a hope, that if the opponents of the measure withdrew any further opposition to the second reading, time would be allowed for the discussion of the principle in the Committee.

Mr. *Grote* said, that there was every wish on the part of the supporters of the measure to afford time not only to discuss the principle, but every point of detail in the Committee.

Mr. *Sheil* wished to put a question respecting the mode in which the children of those who were to be deportated to Australia were to be provided for. He wanted to know whether they were to be sent out with their parents; and he put this question, that it might not go abroad, that so monstrous a proposition as leaving them to shift for themselves in this country had ever been entertained by the promoters of the Bill.

Mr. *Wolryche Whitmore* was surprised at the hon. and learned Member's using the word "transportation." [Mr. *Sheil:* I said deportated.] It was proposed to send able-bodied labourers of both sexes to the colony, at the expense of the shareholders, but it was not intended to send out those who had children, unless they would themselves, or through their friends, undertake to pay for the passage of their children.

The Bill was read a second time.

* * *

HOUSE OF LORDS,

Thursday, July 24, 1834.

MINUTES.] Bills. Read a third time:—Sale of Tea; Greenwich Hospital Annuity; Port of London Dues.

Petitions presented. By the Dukes of WELLINGTON and BUCCLEUGH, the Marquess of SALISBURY, Archbishop of CANTERBURY, and the Bishop of EXETER, from a great Number of Places,—for Protection to the Established Church.—By the Duke of BUCCLEUGH, from several Places, against the Separation of Church and State; and from Wellington, for the Better Observance of the Sabbath.

MISREPRESENTATIONS—IRISH LANDLORDS.] The Marquess of *Westmeath*, in moving that certain papers laid on the

Table the other night might be printed, took the opportunity of observing, that as respected the individual to whom they related, they were, perhaps, not of public importance; but as they tended to show the jesuitical fraud and falsehood of a certain party in Ireland, in their attacks upon the local proprietary of that country, attacks made for the sake of influencing the conduct of the Government towards them; and as they related also to the attempts to mislead the public, to produce divisions between landlords and tenants—the connexion between whom it was the object of this party to break up, might be justly considered as a valuable sequel to the papers now on the table relating to the Coercion Bill.

The Earl of *Stradbroke* took that opportunity of making some remarks on a statement that had been put forth relative to a murder committed upon some property that now belonged to him. From the manner in which that statement was made, every man of common sense would suppose that he was the individual alluded to. He had, therefore, felt it his duty to make the hon. and learned member for Dublin acquainted with the fact, that at the time when that unfortunate occurrence happened, he was not in possession of the property. He did not rise, therefore, to defend himself from the imputations that had been cast upon him, for, from the circumstance he had mentioned, they could not affect him; but he was sure that their Lordships would entertain but a bad opinion of him if he allowed it to be supposed for one moment that there was one word of truth in the statements, so far as they related to his late revered father. Of his father he was entitled to say, that during half a century he had conducted the public business of his own county with the greatest honour to himself, with advantage to the public, and to the satisfaction of the country at large. As a landlord, he was kind, and generous, and just, and it was not possible for such a character to wish to oppress his tenantry. He should shortly state what were the facts of the case, so far as he was acquainted with them. About twelve years ago that part of the estate, on which the murder was said to have been perpetrated, fell out of lease. During the time the tenant held it, he placed an immense number of people on the land (who originally did not belong to the estate) upon the system of under-letting, for the sake of putting money into his own pocket. Upon the lease expiring, these people were either unable or unwilling to pay any rent whatever. For three years no rent was paid to the late Lord Stradbroke; and he, therefore, exercised the right of ownership, by legally ejecting the parties from the estate, and letting it to a new tenant. He was bound to mention, that the learned member for Dublin did not make the statement on his own authority, but on evidence given before a Committee of the House of Commons; but the hon. Member endeavoured to make it a part of his argument, that this, as well as other murders in Ireland, were caused by the oppression of the landlords. He could not tell whether the man was murdered or not; but he knew, that the late Lord Stradbroke never exercised any oppression over his tenantry, and that he did no more than other landlords were in the habit of doing—that of maintaining his rights, as the owner of the land, by those means only which the laws of the country prescribed.

Viscount *Clifden* could fully confirm the statement of the noble Earl who had just addressed their Lordships. The land consisted of about a hundred acres, and upon that sixty-three beggars had been let in as tenants. That, however, was the fault of middlemen, to whom the whole evil was attributable. He declared, that in other instances, as well as in this, the grossest exaggeration, in fact, parcels of lies were told of the landlords of Ireland—they were dictated by party nonsense, and were most shamefully spread by the Press. He begged leave to say, that Irish landlords not only did not do what was attributed to them, but they would not do it; even their own interest would prevent them. The land, however, being, by means of the sub-letting system, burdened by innumerable beggars, how they were to be got rid of was a difficult question. They must be ejected. But it was by this destructive system of under-letting, and by the perversion of facts to the injury of the landlords, that those who sought the separation of Ireland from England endeavoured to accomplish their object; and if the system was long persisted in, it would shake that country to the centre, and finally shake the empire itself.

The Marquess of *Westmeath* concurred in what had fallen from the noble Lords near him, but said, that the observation of the last noble Lord as to these falsehoods being spread by the Press, must be restricted to a part of the press of Ireland; for when falsehood got abroad, and was corrected, the Press of this country was as anxious to let the truth be known as any honest man in the country could wish it.

The Earl of *Limerick* added his testimony in corroboration of the statement made by the noble Earl (Stradbroke) and said, that no man was a better landlord than the late father of the noble Earl. He described these attacks upon the landlords of Ireland as part of a system, the object of which was, to run down the landlords of that country for the purpose of dispossessing them of their property, and breaking up all the landed interest of the country. The same course had been pursued by the agitators with regard to the Church. The first step was to calumniate the unfortunate clergy, and make them out to be oppressors and tyrants. He would not say, that there were no bad men among the whole body of the clergy, but he would assert that they were generally most praiseworthy men. They were, however, first calumniated, then their persons were attacked, and then they were reduced to beggary. Such was the course, also, that was now to be pursued with regard to the landlords.

Motion agreed to.

POOR LAWS' AMENDMENT.] The *Lord Chancellor* in presenting a petition from owners and occupiers of land in Ashby-de-la-Zouch and its neighbourhood, in favour of the Poor-laws' Amendment Bill, said, he could not lay that petition on the Table without taking that opportunity of referring to some very great, some very gross (he would not use a stronger expression), some almost astounding misrepresentations which had gone forth with respect to the address delivered by him to their Lordships on the second reading of that Bill. That such misrepresentations should be made the ground of invective, mixed with a great deal of ribaldry (which he did not in the least regard), he did not at all wonder at; because when men entertained different opinions, and when in consequence they engaged in controversy, it was said to be incidental to such a situation, that individuals thus employed were likely to take the matter up with very great warmth, especially if those who adopted the adverse principle succeeded, or were likely to succeed, in carrying the measure which their adversaries opposed. Therefore, he claimed nothing for himself with reference to the manner in which the question had been treated. Be that manner serious, or be it not serious, he was ready to pass it by; he was perfectly ready to allow loose statements, he could not call them arguments, to pass unnoticed. He did not, however, think it right that he should be made the subject of unmeasured abuse for opinions which he had never stated—nay, on the contrary, for opinions the reverse of which he took some pains to state. The feelings of the public were strong upon this subject of charity, and in support of hospitals and other charitable institutions. Now, if it were possible to mix up those who supported the Poor-laws Bill with a hatred of charities and a dislike to charitable institutions, with a hard-hearted, and he would say, a very short-sighted denial of charity to those who were suffering under distress, disease, and so forth, undoubtedly that would be a great point gained for popular effect. It would be a very serious charge, and one that would require much investigation, if it could with any show of truth be urged against those who supported the Bill, that such were their views and feelings and that this measure proceeded in accordance with such views and feelings. But the assertion was utterly and entirely unfounded. It was said, that it had been avowed by himself, that it had been avowed by those who joined him in supporting this Bill—that he and they had a dislike, that they entertained an aversion to all charities for the aged, the sick, and the infirm. It had been said, that in order to entitle an individual to receive relief he would be satisfied with nothing short of that individual's breaking his leg. Yes, he must put his leg under a broad-wheeled waggon, and unless he did that, or something equally violent, his (the Lord Chancellor's) heart was shut against giving relief. According to this statement, a fever, or any the most grievous calamity which could in the way of disease afflict a working man—no matter how great it might happen to be—was not to be noticed; no, unless an individual broke his leg—unless a case was made out for a surgeon, no pity, no compassion would be extended by him to the sufferer. The most unmerited abuse had, in consequence of this misrepresentation, been lavished on his supposed hardness of heart. Now, it did so happen that he guarded himself, over and over again, against such misconstruction. What he had stated was this—that where there was a provision for persons—for able-bodied persons— where there was a known provision, whether in the form of alms or a proportion of tithes, or monastic doles that were bestowed at the gates of convents in former times, before the alteration made by Harry 8th, or provision derived from any regular fund for hospitals or infirmaries, it had always tended to create the evils which it was intended to prevent, because those who knew that such sources of provision existed would on every occasion infallibly draw upon them. He then said, that he would step aside to consider the principle on which charity, public or private, ought to be bestowed. He immediately stated, that just in proportion as persons, from the nature of a charity, were enabled to look forward to it—were enabled as it were to depend upon it beforehand, just in that proportion it was bad, because it encouraged idleness; but that, on the other hand, just in proportion as any charity was so framed that individuals, whether they were idle or industrious, could not calculate on it as a positive resource, just in that proportion it could do no harm, and really deserved the name of charity. It was asserted that he approved of no hospitals except hospitals for accidents. This was not the fact. He had made no objection to hospitals for incurable diseases and fevers, nor even to dispensaries, although he observed that he thought the articles delivered from dispensaries, and which formed a great part of their expenditure, might be provided by individuals themselves if they acted prudently; but still he objected not to them, because he did not wish to stretch the principle until it cracked. He also had not reprobated hospitals for the aged; although he felt and he said; that every man ought to lay by something to procure him the comforts necessary for old age. He did not, however, push his observation or his argument to that rigorous point which had been represented. But let them take the next step, and inquire what right the able-bodied had to demand relief, as well as the aged, the sick and the infirm? He had only objected to such institutions as sinned against all the true and real principles of charity—such an establishment, for instance, as the Foundling Hospital. Now, it did so happen that he could not be mistaken as to what he said, because, though it might not be known to their Lordships, or to those who had misstated or misrepresented what he said, and on which misstatement or misrepresentation an argument had been founded, yet it was known to himself, that in moving the second reading of the Bill he had not made a mere offhand statement; but had repeated a statement which he would read for his own justification to their Lordships. That statement he had printed in a letter addressed to the late lamented Sir Samuel Romilly, in the year 1818, and it contained those very principles which he had expressed to their Lordships, couched in the very words that he had used, with only this difference, that he added two qualifications the other night to mitigate the principles for which he contended. He had always considered the two subjects—those of private charity and the Poor-laws—to be intimately connected, and the following extract from the letter to which he had alluded would fully explain his sentiments. In writing to Sir Samuel Romilly he had thus expressed himself:—“ The course of proceeding which the Legislature ought to pursue, in dealing with the estates of the poor, is a subject of peculiar delicacy, and closely connected with the great question of the Poor-laws. It is chiefly in this connexion, that I have, from the beginning, been induced to regard both the subject of charities and of national education. You are aware that my intention is to submit certain propositions to Parliament upon the Poor-laws, during the ensuing Session, and I shall not here anticipate the discussion which may then, be expected to take place. But a few observations may properly find a place in this letter, respecting the connexion between the general question, and permanent charitable funds. The remarks, then, with which I am about to conclude, relate to the principles which ought to regulate the conduct of the Legislature in dealing with charities, and which should guide us in forming our opinion upon the relief likely to be felt by the country from the due application of funds destined to assist the poor. I take it to be a principle which will admit of no contradiction, that the existence of any permanent fund for the support of the poor—the appropriation of any revenue, however raised, which must peremptorily be expended in maintaining such as have no other means of subsistence—has upon the whole a direct tendency to increase their numbers. It produces this effect in two ways—by discouraging industry, foresight, economy, and by encouraging improvident marriages: nor is the former operation more certain than the latter. It is equally clear, that this increase will always exceed the proportion which the revenues in question can maintain. To the class of funds directly productive of paupers belong all revenues of alms-houses, hospitals, and schools, where children are supported as well as educated; all yearly sums to be given away to mendicants or poor families; regular donations of religious houses in Catholic countries; the portion of the tithes in this country which went to maintain the poor before the Statutory provision was made; and finally, and above all, that provision itself. But charitable funds will prove harmless (and may be moreover beneficial) exactly in proportion as their application is limited to combinations of circumstances out of the ordinary course of calculation, and not likely to be taken into account by the labouring classes in the estimate which they form of their future means of gaining a livelihood. Thus they may safely be appropriated to the support of persons disabled from working by accident, or incurable malady, as the blind and the maimed; and we may even extend the rule to hospitals generally for the cure of diseases (here, said the Lord Chancellor, there was no exclusion of all sufferers, unless they came with broken legs); nor can orphan hospitals be excepted, upon the whole; for although, certainly, the dread of leaving a family in want is one check to improvident marriages, yet the loss of both parents is not an event likely to be contemplated. In like manner, although the existence of a certain provision for old age, independent of individual saving, comes within the description of the mischief, it is nevertheless far less detrimental than the existence of an equal fund for maintaining young persons, and more especially for supporting children." Such were his sentiments formerly, and such they still remained; and, in addition, he had stated the other night distinctly, that although the hospitals for aged persons came within the strict rigour of the rule which he had laid down generally, yet he was one of those who did not object to such hospitals, but would allow them to exist. In fact, the misrepresentation which had gone forth was at variance with the spirit of his argument. He would not have noticed this very foolish and grossly misrepresented statement which had gone abroad, had he not observed, and been informed by others, on whose opinion he could place perfect reliance, that an attempt was making to raise a popular cry, that he and those who acted with him in support of this Bill were opposed to all charities and all hospitals whatsoever. Now, this was altogether unfounded. The only hospital against which he had ever felt a strong dislike was the Foundling Hospital—an establishment which the Legislature and the curators of that hospital had found to be, and had so declared, a great nuisance. In that case great sums of money had unquestionably been lavished for a very unworthy and mischievous purpose. He had given practical proofs by the subscriptions which he had laid down, and he wished he could have gone to a greater extent, that he was not an enemy to hospitals. Indeed, the last establishment to which he had subscribed was the London University Hospital.

Petition to lie on the Table.

The Order of the Day was read for the House to go into Committee on the Poor Laws' Amendment Bill.

Lord *Kenyon* said, that he objected to the arbitrary power which this Bill would place in the Central Commission. He thought he should be able to prove at the proper time, by the evidence of facts, that it was not necessary to give any such powers to the Commissioners. He should therefore, when they came to the clause, move a provision, restraining the powers of the Commissioners to such parishes only in which the poor-rates amounted to a certain sum, which he should hereafter specify. He thought that the affairs of parishes ought to be administered by those who were connected with them, rather than by persons at a distance. He should also move an amendment to the short-sighted provision of the 55th clause, which was intended to make the husband liable for the maintenance of all his wife's children born before marriage.

Viscount Melbourne moved that the House resolve itself into a Committee.

Lord *Teynham* was quite sure that there was scarcely an individual who heard him who would not say that a Bill of such vital importance ought not to be proceeded with at so advanced a period of the Session. He was convinced that if the present Bill passed, a very few months would elapse after the termination of the Session, before it would be found necessary to re-assemble Parliament for the purpose of remedying the mischief which would be consequent upon the operation of the measure. The noble Lord concluded by moving as an amendment, that this Bill be committed this day six months.

The Amendment was negatived.

Their Lordships went into Committee on the Bill.

On the first clause, for the appointment of three Commissioners,

Lord *Teynham* moved an amendment to the clause to the effect, that the names of such Commissioners should be communicated to Parliament (if sitting) fourteen days before their appointment.

The *Lord Chancellor* objected to the Amendment, though he should not oppose the names being communicated to Parliament within fourteen days, or less, after the Commissioners were nominated. [Lord *Ellenborough:* The names would be published in the *Gazette*.] Yes; and such publication was surely sufficient for all purposes. He must also object to the Amendment, because Parliament after giving the power of appointment to the Crown, could not revoke it in this way. The names and conduct of the parties appointed, would be subject to debate in both Houses hereafter, and as to the individuals to fill the offices, the Government would be happy to receive suggestions of any noble Lord, and would make inquiries into the merits and qualifications of such persons, for all the Government wanted (without the least inclination to favour any individual whatever) was men who, with abilities and experience competent to the discharge of the duties, possessed also the public confidence.

Lord *Ellenborough* said, that no portion of the Bill was viewed with so much interest and alarm as the appointment of the Commissioners who were to carry it into effect. It had been suggested that the very able and learned persons who had filled the situation of Commissioners of Inquiry, should be the Commissioners to be appointed by his Majesty for transacting the business of the Bill when it became law. If such, however, were not the case, there could be no doubt that the learned persons who were previously acquainted with the subject, would be frequently consulted by the Board of Commissioners, and he had thought at one time that such consultations would be much more convenient, if the Commissioners of Inquiry were united with those to be appointed by the Crown. This, however, was met by the suggestion, that to a certain degree it would divide the responsibility, and as he knew practically that nothing was well done where the responsibility was not perfect, he should not press the proposition he had thrown out.

The *Lord Chancellor* concurred with the noble Baron in thinking a division of responsibility highly objectionable, and therefore the fewer the number of Commissioners the better.

Lord *Wynford* said, that it was impossible for three Commissioners to discharge the duties imposed upon them by this Bill. Instead of three Commissioners there ought to be at least 300. He was opposed, however, to the appointment of Commissioners at all.

Amendment negatived.

On the Question that the original clause stand part of the Bill being put,

Lord *Alvanley* objected to the clause, as interfering with the system of self-government. He did not mean to say that all the powers now vested in the magistracy and other authorities in the country, would be removed by the appointment of the Central Board, but he must contend that it would lead to constant collisions, and create bad blood; and it would be found that the authorities and overseers, being disgusted by the interference of parties possessing no local knowledge, would become careless, and the effect would be, that the wants of the poor would be neglected. He regarded this question as one which did not in any manner interest party feeling, and under that impression, and with a view to the public good, he had to suggest a plan grounded upon the instances to which he had called the attention of their Lordships on a former evening. He would drop the present Bill, and circulate printed copies of the report made upon the four parishes to which he had alluded the other night by the Commissioners of Inquiry in the parishes and districts of the whole country, accompanied by a circular letter from the Home-office, calling the attention of the authorities and overseers to the plan which had been so successfully adopted in the parishes in question, and stating that it was the intention of the Government early next Session to bring in a Bill founded upon, and to carry into effect, that plan. The circular he would suggest should also request communications to be made to the Government by the parochial authorities themselves, as to the practicability in their several districts of the system proposed to be adopted. This being done, he would next year introduce a Bill, and would take for its preamble the 50th clause of the present measure. He would also provide that the Bill should take effect on a certain day, to be extended on the authority of three Magistrates sitting in petty Sessions. He would also empower Magistrates in petty Sessions to appoint nine persons of their own district to be allowed—not the inquisitorial powers conferred on the proposed central Board of Commissioners,—but to receive reports of the progress of the measure from the different parishes within their district, and to communicate those reports, matters of complaint, and the various details now to be vested in the hands of the Commissioners. He would give the power of the appointment of the nine individuals he had named to the magistrates in each district, and to them alone, inasmuch as they were best qualified to judge of the competence of parties to discharge the duties of the office. He felt satisfied that this system would be much more congenial to the feelings of the country and of the people than the proposed plan of centralization. He admitted that the laws in respect to the poor required amendment, and he most sincerely believed that such a measure as he had suggested would be better calculated to give satisfaction, and to secure the comfort and happiness of the poorer classes, than the measure now under consideration.

The *Lord Chancellor* said, that this was not the first time that he had heard of the plan which had been suggested by the noble Lord. The plan was undoubtedly not new, for it had been tried, and, as had been expected, had failed in ninety-nine cases out of a hundred. The nine persons whom the noble Lord proposed should be appointed at the Sessions, might be looked upon in fact in the same light as the three Commissioners, and he (the Lord Chancellor) would confess that he infinitely preferred the three graces to the noble Lord's nine muses. The noble Lord's plan was in many respects similar to the Bill, without possessing the merits of the Bill. The noble Lord proposed a fixed date for the introduction of his plan, but he afterwards would allow that date to be extended at the discretion of three Magistrates, so that in one parish, or in one district, it might be adopted on the 1st of June, 1836, and in another on the 1st of June, 1837, and thus inextricable confusion might be created throughout the country, by the existence of a variety of systems at one and the same time. In fact, the noble Lord's plan would sow the seeds of variety in every parish throughout the kingdom. The noble and learned Lord proceeded to defend the discretionary power given to the Commissioners. One of the best features of the present plan was, that it was experimental—that it was to be introduced by feeling our way, and therefore a discretionary power was vested in the Commissioners for that purpose. As to centralization and the Central Board, which the noble Lord joined others in attacking, he (the Lord Chancellor) would say, that he was as much opposed as any man could be to a perpetual interference with men's private business. That was the main objection raised against the Central Board. Now, the local boards at present in existence, were perpetually and constantly interfering with men's private business. In truth, their interference in that way was infinitely greater than any that could be expected from a Central Board. The object of the Central Board was to bring things back to their former state, to put them in the right track, to reform them,—in short, to do all that those acquainted with the subject knew it would do. He could not help alluding to the folly of those who supposed that the object of the authors of this Bill was to abolish altogether the system and the principle of Poor-laws. It was no such thing. They well knew that it would be vain to make such an attempt. They were well aware that the system in the main could not be touched. But their object was to lop off excrescences, to do away with abuses, to bring back things to their original state, and to reform the system according to the original meaning and construction of the Act on which it was founded. To do all that required a vigorous hand, and that that vigour could only be exercised by vesting a discretionary power in a few persons he entertained not the slightest doubt. He was astonished when he heard his noble friend, with the acuteness of understanding which he possessed, and which he displayed on this occasion, opposing so strongly this Bill; but that astonishment was removed when he found towards the end of his noble friend's speech that he had a plan of his own to propose. It was well known that when a man had a plan of his own, he invariably shut his eyes to the merits of every other plan on the same subject. That was obviously the case with his noble friend in this instance.

Lord *Alvanley*, in explanation, said, that he commenced his speech by saying, that whoever objected to this plan should bring forward one of theirs to substitute in its stead. He did not mean, that the words he had referred to in clause 50 should constitute his measure—he merely meant that it should be based upon that clause.

The Earl of *Winchilsea* was of opinion, that without the appointment of the Commissioners, it would be impossible to establish an uniform reform of the present system throughout the country. The thanks of the country were due to his Majesty's Government for having circulated the Report of the Commissioners throughout the country. If twenty years were to be given for its circulation and perusal, it would not be more fully circulated or more generally perused than it had been, especially as it was known that a measure founded upon it was to be brought forward this Session. Since he had been a magistrate, he had seen the greatest abuses committed under the present system. He had seen combinations of the landowners in particular parishes, to get one-third of the wages they paid their labourers defrayed out of the poor-rates. He had known parishes where the labourers received only 3*s.* a-week as wages, and where the remainder was made up to them, in proportion to their families, out of the poor-rates. The Commissioners, against whom so much was said, it should be remembered, would be appointed only for a limited time; and then, when that time expired, the administration of the Poor-laws might be returned to those in whose hands it was now vested, with the benefit of the experience of the improved system to guide them in their future management of them.

Lord *Wynford* said, that it seemed to be supposed by some persons, that the taxing power of the Commissioners was confined to the erection of workhouses (which might be attended with little inconvenience), but he contended, that the Commissioners would possess indirectly a much wider power of taxation. They might double the allowances, and consequently the poor-rates. The Bill gave a discretionary power to the Commissioners to relieve able-bodied labourers, which was necessary, in order that men might not endure starvation. The law of nature, no less than the law of the land, required this. If one uniform rule of administering the Poor-laws could be adopted, he should have approved of a Central Board of Commissioners to enforce it; but the noble and learned Lord admitted, that such a mode of administration could not be enforced, for he distinctly expressed his conviction, that what might be a good method of proceeding in one parish might be bad in another, which happened to be differently circumstanced. What was the advantage of having a Central Board, if a uniform system could not be adopted? On the noble and learned Lord's own showing, it appeared necessary to intrust the administration of the law to persons having local knowledge of the circumstances of each particular parish. Now the Magistrates possessed this local knowledge, which it was impossible that the Commissioners should have. He was sensible of the evils of the Poor-laws, and of the defects of their administration; but, although sensible of the evil, he did not think this Bill the remedy that ought to be adopted. On the contrary, he was satisfied, that to take the administration of the Poor-laws out of the hands of the local authorities, would be adding to the evil. It might be a very beautiful theory to lay down, that the amount of wages should be merely in proportion to the work executed, and not in proportion to the number of labourers' children; but if a man had twelve children, and could only provide for four of them by the wages of his labour, were the eight remaining children to be allowed to starve, or was the family to receive assistance out of the poor-rates? According to the present Bill, a man must be immured in the workhouse if his wages were not sufficient to support his family entirely; and, if he applied to the parish for relief, would that mend the matter? It was impossible, as things now stood, to avoid giving some money allowance to persons with large families whose wages did not suffice for their support. He admitted, that this was an evil, but maintained that there was nothing in the Bill to remedy it. On the contrary, the Bill gave the Commissioners a power of granting allowances, although it denied such an authority to the Magistrates, whose local knowledge would enable them to determine when it might be exercised with advantage. There was no reason for depriving the Magistrates of an authority, which, though there might be occasional indiscretions, they had exercised conscientiously, and to the best of their ability. Where the Magistrates had departed from the spirit of the law, they were compelled to do so by the state of the country, which rendered the law inapplicable.

The *Lord Chancellor* said, that we were now in the act of transition from a bad to a good state of things. The object was to adopt a uniform system, and to get into a uniform state; but the way to effect this would necessarily be different under different circumstances; a country parish would require to be reclaimed in one way, and a town parish in another; nay, different country parishes, according to their peculiar circumstances, would require different modes of treatment.

The Duke of *Wellington* said, that his noble and learned friend (Lord Wynford) misunderstood the Bill, and the nature of the evil which it was intended to correct. His noble friend talked of the Magistrates' administration of the Poor-laws: now the Magistrates did not administer the law—the overseers were intrusted with the administration. It was true, the Magistrates had interfered with the overseers, and one of the objects of the Bill was to bring the law back from the hands of the Magistrates, and replace it in those of the overseers, according to the old system. He lived in the neighbourhood of places which had been held out as an example of good management—he referred to the parishes of Cookham and Swallowfield, which were said to be depauperized, and he could tell his noble friend, that the example had not been followed by any of the neighbouring parishes? Why? Because the Magistrates could only interfere for harm, not for good, and the overseers would not follow the example thus set them. There was nothing for it but a measure of this kind, to bring the administration of the law back to the old system; and when that should be effected, no one would be more happy to see the plan abandoned than he should.

Lord *Wynford* said, the Magistrates certainly had no active power of administration; but they had sufficient power to restrain abuse and mischief. They could, if they pleased, have prevented the application of the rates in payment of wages.

The Earl of *Falmouth* said, the Magistrates might have read the Report of the Commissioners; but he doubted whether a majority of them were in favour of this Bill. One reason why he wished to have it postponed was, that time might be afforded to conciliate their good opinion. He admitted the evil of the present system; but was it so great, that an attempt must be made to apply a remedy *per saltum?* Some other remedy might be proposed by Parliament at a future time, and if upon trial it should be found insufficient, a stronger might be substituted. He saw no reason, for instance, why a measure should not be passed embodying the fiftieth clause.

The Marquess of *Salisbury* considered, that the most objectionable clause in the whole Bill, was that which gave such a vast extent of discretionary power to the Commissioners; while the Magistrates had only a restraining power over the overseers, who generally had a scale of allowance in each parish, by which they were guided in their relief to the poor. The same scale, however, would not be equally just for all parishes; for instance, it would not be just to have the same scale for parishes in Kent and Sussex as for other counties. He would not object to giving the Commissioners a superintending power over the Magistrates, but he certainly was not disposed to place all power in their hands. The object of the Bill was stated to be to bring back the old system of the Poor-laws, as they were originally established, and with the view of accomplishing that, certain powers were given to the Commissioners. It was to be done gradually, by stopping the allowance of persons who were in the habit of receiving relief, except in the workhouse, or as the Commissioners might find most fit. He hoped the clause to which he alluded would be withdrawn when it was come to. There was another part of the Bill that he also considered objectionable; he meant that clause which limited the duration of the Bill to five years. This he considered too short a period for the system to work so as to give it a fair trial; and if it should happen not to succeed in that time, the difficulties in the way for a new settlement of the question would be incalculable, and must be greatly multiplied. The whole machinery established by the Bill would be utterly useless. He was very ready to support the general principle of the Bill, but he hoped several amendments would be made in it before it went through the Committee. There was one point, that he was very desirous of urging, and that was the necessity of giving to paupers a right of appeal to the Justices; and he should also wish the Magistrates to have the power of granting allowances to paupers, notwithstanding any order of the Commissioners. He repeated, that to the Bill itself, if satisfactorily amended, he was not at all opposed.

The Earl of *Harewood* admitted, that there were many parts of the Poor-laws defective, and he wished to see their administration properly adjusted, but was very doubtful as to the expediency of the present measure. Now, he should like to know in what way these Commissioners would use the authority with which they were invested in the state in which the country was at present. There was not only a surplus of labour in the country, but there was also a quantity of land, once in cultivation, now going out of cultivation, in consequence of its not being capable of repaying the expense necessary to cultivate it. It would be rather a hardship on the labourers of a parish in which the rate of wages was diminished, in consequence of the influx of unemployed labourers from another parish, to say to them when they were half-starving, "You shall not receive any assistance or support, because a strange set of persons have come into the country, and by lowering the rate of wages have deprived you of the proper reward of your industry." What course, he should like to ask, would the Commissioners follow in the large manufacturing towns? Suppose a stoppage to take place in a large manufactory. That would throw some hundreds of persons out of employment. Would the Commissioners say to them, when seeking assistance for their starving families, "Oh, we cannot relieve you—there is nothing to prevent you from finding labour elsewhere?" From their very habits, the labouring classes in our manufacturing towns would be unable to stand the wet and the cold, and the other inconveniences attendant upon country labour. In point of fact, they could not perform it. They would find many stout men, who had been all their lives engaged in manufactories, that would tell them that they could not reap; and the fact was so. If these Commissioners were to regulate their conduct so as to lower the existing amount of poor-rates, and to bring us back to the state of things in Queen Elizabeth's time, he feared that, unless extraordinary discretion was used, there would be very severe pressure indeed, not only on those who usually came upon the poor-rates, but also upon those who did not usually fall upon them. He did not believe that all the labourers of the country were careless about throwing themselves upon the rates. Whatever might be the case elsewhere, he was sure it was not the case with the labourers of the north of England. He did not like the powers that were to be granted to these Commissioners. He admitted, that some powers greater than those possessed at present by the parochial authorities should be granted to them; but his notion, though he had no plan of his own to propose to their Lordships, was this—that a plan might be devised to render it imperative upon all the authorities engaged in administering the Poor-laws to obey certain regulations issuing from the executive Government, instead of delivering up all the powers of those authorities into the hands of the Commissioners, which he did not altogether like.

The Clause was agreed to.

On the second Clause being proposed,

Lord *Wynford*, assuming that there must now be some Commissioners, must contend, that there should be some limit to their power, and certainly to their power of examination. He had never seen great dispensing powers given in such loose terms as they were given by this clause to these Commissioners. He proposed to strike out the clause altogether.

He could not propose another in its stead, for in consequence of the hurry with which they were proceeding, he had not had time to frame another. The words of the clause were:—" And the said Commissioners, acting as such Board, shall be and are hereby empowered, by summons under their hand and seal, to require the attendance of all such persons as they may think fit to call before them, upon any question or matter connected with or relating to the administration of the laws for the relief of the poor, and also to make any inquiries, and require any answer or returns as to any such question or matter, and also to administer oaths and examine all such persons upon oath, &c." Now a construction might be put upon these words which would prevent any improper exercise of power. But a very different construction might also be put upon them. If the power thus given to them was applicable to all the laws passed for the relief of the poor, it would be found extremely inconvenient to their Lordships. Questions of a more inquisitorial character might be put to any man under the authority of this clause than could have been put to him even under the Act establishing the Income-tax. The Commissioners were indeed restricted from requiring the production of titles, or of papers, or writings, relating to the title of any lands, tenements, or hereditaments, not being the property of the parish; but they had a right to put a question as to the value of all property within the parish, in parole or in writing, on oath or otherwise, as they thought fit. Now, he put it to their Lordships whether such a power had ever been given to Commissioners by any act before? The Commissioners had a right to make an increase in the rates of the parish to relieve the poor of it, if they so thought fit. The parish might say to the Commissioners, " We are not able to bear the increase of rates which you seek to levy upon us." " Oh, then we will inquire into the value of your property," would be the answer of the Commissioners. What would be the result of such a determination? Why, that they would proceed to ask any one of their Lordships who might have property in the parish to answer upon oath—for in this case they would be deprived of their privilege of peerage—what was the amount of rental they had within it? They might inquire into the value of their parks and pleasure-grounds, into the value of their farms, their out-houses, and their buildings of every description. The lease was generally considered as the best *prima facie* evidence of the value of land, but the Commissioners might be inclined to inquire whether the lease was granted for its proper value, or whether it was fraudulently obtained. As the Commissioners had power to meddle in this manner with the rates, they might proceed to rate personal property of all descriptions, and especially stock in trade. His noble and learned friend knew well, no man better, that personal property was rateable, and stock in trade would long since have been rated, had it been palpable and easily got at. Now the Commissioners had the means of getting at it. They might call any tradesman before them, and say to him—" We want to ascertain the value of property in your parish: pray what is the amount of your stock in trade? We have a right to ask you that question, and recollect you must answer it upon oath." He contended, that in this manner this clause would enable the Commissioners to get at the value of every man's stock in trade in every parish in the Kingdom. This clause might be very beneficial to their Lordships as landlords, as it was calculated to remove from the land a great portion of the burthen which at this moment pressed heavily upon it. His property was all in land, but he did not wish, and he was sure that their Lordships did not wish, to have their property benefitted by a clause like this. All such inquiries, as he had just stated, might take place under the authority of this clause. He would not go the length of affirming, that this construction of the clause was the correct construction, but such a construction might be put upon it, and if it could be put upon it, that was a sufficient reason for altering this clause. If it was the correct construction, as he was inclined to consider it, a more inquisitorial Bill than the present had never been placed upon the Table of either House of Parliament, and if their Lordships had any regard to the peace of the country, they would withhold their sanction from it. He also complained, that this clause armed the Commissioners with power to examine Quakers, Moravians, and Separatists upon oath.

The *Lord Chancellor* said, that his noble friend would see that this was not the case now, and referred to the 100th Clause.

The Earl of *Shaftesbury* read that part of the 100th Clause, by which it is provided that the word "oath" shall be construed to include the affirmation of a Quaker, Separatist, or Moravian.

Lord *Wynford* said, that the clause which had just been read did not remove his objection to the present clause—on the contrary, he defied any man, be he lawyer or layman, to assert gravely that his objection was not strengthened by it. He found that in another part of this Bill this power, which he considered so objectionable, when vested in the Commissioners, was also given to the Assistant-Commissioners, and that different words were used in different parts of the Bill to describe this identity of authority. Was not that likely to increase not only the danger, but the obscurity of the Bill? Upon these grounds, he asked their Lordships not to agree to this clause. The Commissioners ought to have some powers of examination, but not of the arbitrary and irresponsible character given them by this clause. He had never before seen such a clause in any Bill, and he, therefore, moved that it be struck out.

The *Lord Chancellor* contended, that his noble and learned friend had formed a very mistaken idea about the proper interpretation of this clause. He likewise argued, that it did not compel the Commissioners to examine Quakers, Separatists, and Moravians upon oath, insisting that the 100th Clause, which his noble friend said confirmed his objection to the second clause, absolutely cured it. The principal objection of his noble friend to this clause went, however, much further, for it sought to knock down the Commissioners almost as soon as they were put upon their legs. He maintained, that if his noble and learned friend had five or six months' time to turn over all the dictionaries and all the law books in the language, he could not have found words more appropriate than those used in this clause —namely, "any question or matter connected with or relating to the administration of the laws for the relief of the poor." Having a definite idea of the thing signified, he knew no words which could express that thing better. It was not likely that any Commissioner would ask any of their Lordships such questions as his noble and learned friend had supposed. Supposing that any Commissioner was to ask his noble and learned friend, "What is the value of your property? How much did you make at the Bar? How is your property vested? What have you in the three per cents, and what in the other funds?" Supposing, he said, that any Commissioner should ask his noble and learned friend such absurd questions as these, what would be the result? His noble and learned friend would refuse to answer them. Then the Commissioners would, he supposed, commit his noble and learned friend for contempt? No, they had not power to commit; they could only order him to be prosecuted, and every Jury would say, that such prosecution was not sustainable; for the Commissioners, in putting such absurd questions, were wandering out of the four corners of their power. The clause did not justify any such gossiping inquiries as his noble and learned friend imagined. The noble and learned Lord also referred to the Acts appointing the Commissioners of Naval Inquiry and the Commissioners appointed to inquire into charities, to shew that the powers given to the Poor-law Commissioners by this clause were neither novel nor unusual. This clause was not a clause of light importance, and if their Lordships determined to leave it out of the Bill, they might as well stop the Bill altogether.

Lord *Wynford* had not taken this objection from any captious motives. He confessed that he was not satisfied with the answer which his noble and learned friend had given. He would leave it, however, to their Lordships to dispose of his Motion as they pleased. The 100th Clause in his opinion had no bearing upon the second clause. He was aware of the two Acts to which his noble and learned friend had referred. He had looked at them lately for this reason, that in those two Acts the Commissioners, who were appointed to examine witnesses upon oath, were appointed under the authority of Acts of Parliament. That was a good old fashion, but he was sorry to say that it was now no longer held in reverence.

The Earl of *Winchilsea* said, that much of what had fallen from his noble and learned friend (Lord Wynford) would apply if the Commissioners were empowered to make or levy any kind of rate; but they would have no such power under the Bill, and could not inquire into property.

Amendment negatived, and second clause agreed to.

The third Clause was agreed to.

On the fourth Clause, directing a general Report to be made once a-year by the Commissioners to one of the principal Secretaries of State, and by such Secretary to be laid before Parliament, being read,

The Duke of *Wellington* moved, as an Amendment, that after the words "the said Commissioners shall" in the first line of the clause, there be added these words, "keep a record of each letter received, the date of its reception, the person from whom it came, the subject to which it related, and the minute of any answer given, or order made thereon, and also where the Commissioners differed in opinion, the opinion of each Commissioner, and that a copy of such record be transmitted to the Secretary of State once a-year or oftener if required."

Amendment agreed to, and the Clause as amended was agreed to.

The Clauses, up to the 18th, were agreed to.

On the 18th Clause being put,

The Archbishop of *Canterbury* urged the necessity of providing for the religious instruction and consolation of the poor by the appointment of regular chaplains to each workhouse. As the Bill at present stood, there was no sufficient provision for that purpose, and if it were necessary, as it unquestionably was, that there should be chaplains in single parishes, how much more necessary would it be in the cases of large unions. He objected also to the wording of the clause as calculated to make children Dissenters.

Lord *Ellenborough* was of opinion that it would be neither necessary nor proper to make any such provision; surely the clergyman of each parish respectively would feel it his duty to afford all the spiritual aid which any of his parishioners might require.

The Archbishop of *Canterbury* only wished to give the Commissioners the power of appointing chaplains where it might be found necessary.

The Bishop of *Exeter* supported the same view of the question, chiefly on the ground of the enormous extent which the framers of the Bill proposed to include in most of the districts.

Lord *Segrave* pressed on the House the necessity of permitting Dissenting Ministers to have access to the workhouses, and said, he would divide the House rather than lose the 18th clause.

Lord *Wharncliffe* also thought, that Dissenting Ministers ought to have access.

The *Lord Chancellor* said, that the 14th and 43rd clauses provided for the education of persons in workhouses, and that of course included their religious education; besides, the Commissioners might insist upon the paupers attending divine worship, but as there was some difficulty as to Roman Catholics and Dissenters, it might be better to postpone the clause till one general regulation on that subject could be framed.

Lord *Stourton* protested against the abandonment of the present clause, the more especially as so many Irish often became the inmates of workhouses.

The further consideration of the Clause was postponed. The House resumed, the Committee to sit again.

HOUSE OF COMMONS,

Thursday, July 24, 1834.

Friendly Societies.] On the Motion of Mr. Ord to recommit the Friendly Societies' Bill. The House went into a Committee on that Bill.

Mr. *Bernal* wished to propose a clause to empower the Friendly Societies to invest their funds in any manner they pleased, with the consent of three-fourths of the members. These Societies were of great national importance; and, therefore, the House ought to be cautious that they did not so legislate as to excite the suspicion of the Societies. If the Bill were left in its present shape, without the Amendment which he proposed, he feared there would be this tendency.

Mr. *Ord* admitted, that the Friendly Societies were generally desirous of some such clause as that now proposed; but he feared, that the power would be any thing but useful to the Societies; that it would often expose them to bankruptcy and ruin. He regretted, that the Bill had been much, and, he feared, designedly misrepresented by interested parties. It did not seek to interfere with the investments of any Societies now existing; only those which sought enrolment under it. If the clause now proposed were adopted, the effect would be, that Societies, except those in the metropolis, might be tempted to engage in agricultural speculations. They would constitute so many little farming companies, and he apprehended they would become the victims of designing parties, if they were allowed to speculate with their funds. There were between 400 and 500 benefit Societies in the metropolis, and they had nearly a million invested in the Savings Banks, and where such extensive interests were concerned, it was not without the maturest consideration that he had undertaken in any way to interfere with them. He was anxious, that this Bill should be passed this Session, which he was afraid, if this clause were added, would be prevented. He hoped the hon. Member, therefore, would not press his clause, but would be satisfied with the opinion of the House that had been collected on the principle on a former occasion.

Sir *Samuel Whalley* also feared, that the tendency of this clause would be most mischievous. It would lead these Societies to embark in gambling and speculative transactions, to prevent which had heretofore been the object of legislation. If that were allowed, and if one failure resulted from these speculations, let them remember how extensive would be the panic through all the Societies. In such case, the mischief would be irretrievable.

Mr. *Hughes* also was of opinion, that if this clause were carried, the Societies would become the victims of designing characters. The principle of the clause had been protested against by the Societies. The House had formerly considered the proposition now made, and had negatived it; he, therefore, hoped that this clause would not be pressed now; and if it were pressed, he was quite sure, that it could not be carried.

Mr. *Wilks* would resist the proposition. These institutions were in a different situation from that of private individuals; they might do as they pleased with their own; but the like liberty ought not to be extended to the institutions belonging to the invalid sick, the poor, widows, and orphans.

Mr. *Thomas Attwood* said, he would be no party to continuing the delusions circulated by this Bill, as to the security of the Funds. An intelligent Member, in 1819, brought in a celebrated Bill, using the language now adopted, respecting jobbers, speculators, &c.; and yet that measure had put 372 millions of sovereigns into the pockets of the fundholders, and had robbed the landowners of 550 millions of sovereigns. And now they had this little scheme to put the small savings on board a sinking boat. That boat, by which he meant the National Debt, must sink, or the nation must sink. He repeated, he would be no party to delusion on this subject.

The Bill went through the Committee.

The House resumed, and the Report was presented.

HOUSE OF COMMONS' OFFICERS.] Mr. Guest moved, that the House do resolve itself into Committee on the House of Commons' Offices Bill.

Mr. *Hughes Hughes* said, there was no person in that House more desirous to abolish sinecures than himself, but instead of this being a Bill to do away with sinecures, its object was, to diminish the salaries of the effective officers of the House. He would ask the right hon. Gentleman in the chair whether his office was any sinecure, and yet the Bill proposed to reduce the salary from 6,000*l.* per annum to 5,000*l.* The salary of the Speaker had been fixed by the House at a period when there was not one half the present business to be got through; it was not objected to then; but when the business had increased to an unprecedented extent it was thought to be too much. He would refer to the sittings of the last three nights in proof of his assertion. The House had sat till three o'clock in the morning on each occasion. The same remark held good with regard to the salaries of the clerks at the Table; and if the House were desirous to secure the services of able and effective officers, and uphold the dignity of the House, it would reject the Bill without suffering it to go into Committee. He therefore opposed the Motion for the Speaker to leave the Chair.

Mr. *Guest* said, the Bill had been founded on the report of two different Committees, and must not be considered as his individual proposition. He hoped, if the House would permit the Bill to go into Committee, to prove that the salaries of the different officers mentioned in the Bill ought to be reduced. The Bill did not seek to affect the salaries of the present possessors of those offices which were proposed to be reduced, and he thought, when it was considered that the First Lord of the Treasury and the Chancellor of the Exchequer received only 5,000*l.* per annum each, that they were occupied in the discharge of their duties during the whole year, while the Speaker received 6,000*l.*, and was called upon to perform the duties of his office during the Session of Parliament only, the House would not be disposed to prevent the Bill going into Committee, after it had sanctioned the general principle of the measure on the second reading.

Mr. *Wynn* did not think any ground had been shown to suffer this Bill to proceed a single step. He should therefore give his decided opposition to its going into Committee. With regard to the salary now given to the Speaker, the House would observe, that it was fixed at 6,000*l.* upon mature deliberation, forty-four years ago, and that since that period the business of the House had increased fourfold. Surely, if it were expedient to grant such a sum at that time, it would be improper and unjust to make any alteration now. He spoke without any reserve on this question, as it was one in which the right hon. Gentleman in the Chair was in no way concerned. It was well known, that the sum of 6,000*l.* did not defray the expenses of the office, and that the late Speaker, Lord Colchester, was permitted to hold a sinecure of 1,500*l.* a-year on that very account. Nothing was ever saved from the office, and the result must necessarily be, if this Bill passed, that the dignity and splendour of the office must be considerably diminished.

The House divided; but there being only twenty-three Members present, it was adjourned.

HOUSE OF LORDS,

Friday, July 25, 1834.

MINUTES.] Bills. The Royal Assent was given by Commission to the following Bills:—Four-per-Cent Annuities; Pensions (Civil Offices); Navy Pay; Landed Securities (Ireland); Administration of Justice in Boroughs; Central Criminal Court; Sale of Tea; Greenwich Hospital; London Port Dues; Chimney Sweepers; Roman Catholic Marriages; Common Fields' Exchange; and a Number of Private Bills.—Read a third time:—Newspaper Stamps (Ireland); Stannaries Court (Cornwall).

Petitions presented. By the Marquess of BUTE, from the Shareholders of the London and Westminster Bank, in favour of the Bill concerning the Bank.—By the Earl of MANSFIELD, from the Parochial Schoolmasters of Kincardine, for an increased Stipend.—By the same, from the same Place; and by Lord WYNFORD, from Liverpool; and Lord TEYNHAM, from Kensington and Rowley Regis,—against the Poor-Laws' Amendment Bill.—By the Duke of BUCCLEUGH, the Bishop of GLOUCESTER, and Lord COLCHESTER, from several Places,—for Protection to the Established Church, against the Claims of the Dissenters, and against the Universities' Admission Bill.

GREAT WESTERN RAILWAY.] Lord Wharncliffe moved the second reading of the Great Western Railway Bill.

The Earl of *Cadogan* rose to oppose the Motion. He observed, that the road from Windsor to London was the first which had been projected through this part of the country, and this road, which on that account deserved their Lordships' favour, would be materially affected, and its projectors injured by this Bill. There were roads extending along different parts of this line, which only required to be connected together in order to render them perfect. That object might be effected at less expense, and with greater advantage, than the road which was called by the high-sounding appellation of the great Western Railway. This project had been so altered in the Committee in the Commons, that it was no longer capable of performing the promise at first held out, but would, at least at the London end, leave the parties at a distance of three or four miles from London, to bring their goods hither how they could. The road was now to terminate at Brompton, which would have the effect he had stated. This was his first objection. His next objection was, that the line now contemplated was not a complete line, as the road came from Bristol to Bath, but left goods between Bath and Reading to be brought by the Kennet and Avon Canal Company, and from Reading to Brompton by the Rail-road. The third objection he had was, that the number of the assents was not so great, nor was their property so considerable, as that of the dissents; and the fourth objection was, that their Lordships had already given their assent to the London and Southampton Railway Bill, which would be rendered almost good for nothing, for at least a considerable part of the distance, if this Bill should be carried. Under these circumstances he should move, "That the Bill be read a second time this day six Months."

Lord *Wharncliffe* hoped that their Lordships would read this Bill a second time, and allow the case of the promoters of the Bill to be put forward in the Committee. The noble Earl opposite had started four objections to the Bill. The first was one which neither the noble Earl nor a noble

Marquess who was in the same situation with him, should ever have thought of putting forward. It related to the *terminus* of the road at London. The noble Earl objected that the road would not come into London, but would leave the goods to be brought hither from Brompton. Why, the fact was, that the promoters of the Bill were prevented from bringing the road to London by the noble Earl, through whose estates at Chelsea it would have passed, but who would not consent to allow it to do so; otherwise it would have been carried, as at first intended, to Southwark-bridge. But surely after preventing it coming to London, the noble Earl ought not to turn round and object to the whole measure, because it did not come here. The second objection was the strongest; but then there was a good canal from Bath to Reading, and at least the parties were entitled to be heard against this objection, and he for one was prepared to say, that if they did not make the communication complete, he should not be prepared to give his assent to the measure. As to the third objection, he declared, that the assents exceeded the dissents, both in their numbers, and in the value of their property. The noble Earl and he were, therefore, at issue on that point, and he asked for the Committee to inquire into the difference. As to the last point, he declared, that he did not believe the scheme of the Southampton Railway Bill would ever be put in execution; but whether it were or not, he did not believe that that was a reason why the Kennet and Avon Canal people should be disappointed in their expectations of opening a direct communication between Bristol and London. It was not usual, in matters of this kind, to refuse a second reading to a Bill, and he hoped that the usual custom would not now be departed from. The line of the proposed rail-way was objected to by some, and it was said, that a better line could be found; but that line would have to pass through the long walk at Windsor, and he for one would never consent to spoil in that manner the finest domain in the kingdom. As to the line ending at Brompton, he repeated, that it was not the fault of the projectors that that *terminus* had been adopted; and, if the noble Earl would consent to the line of road passing through his estate at Chelsea; the projectors would make good that part of their original plan.

The Earl of *Cadogan* thought, that the noble Lord opposite had pressed him unfairly on the point last referred to. He had, like other men, resisted a proceeding of one of the details of the Bill, that would materially injure his property; but he denied, that his opposition to the Bill itself arose out of any but public grounds. The question now put to him had been so pressed upon him by the projectors of the rail-road, that he had at last been obliged to say, that he should consider the question in future as an insult, and to desire that it might not be repeated. That part of the matter he was ready to answer as a private individual; but as to the rest, his conduct in this, as on other occasions, was decided by a consideration of what seemed to him the balance of public good, as against injury to private individuals, and in this case he did not think the balance in favour of the Bill.

Lord *Teynham* supported the Bill, which he thought would be a public benefit.

The Duke of *Cumberland* said, that from their having sat as many as six weeks on another measure of the same description, and from the length of time this Bill had been passing the other House, he was sure it was impossible that there would be time enough for them to get through with the Bill in what remained of the present Session. It appeared to him, therefore, that it would be deluding and cheating the parties interested, to lead them to a belief that, even if they should be able to prove their case, it would, under the existing circumstances, avail them any thing.

Lord *Ellenborough* was inclined to think, that, if the Bill had occupied so much time already, the parties must have exhausted what they had to say on the subject. He must declare, that it appeared to him a little hard on the parties who had been at the trouble and expense of promoting the Bill through the other House of Parliament, that their Lordships, on its getting into this House, should cut the neck of it at once. The Bill was a very important one to many parts of the country; if passed, it would be the means ultimately of opening a communication between London and Bristol, and consequently with the south of Ireland. He trusted their Lordships would consent to go into a Committee on the Bill.

The Earl of *Radnor* must confess, that he, for one, was inclined to cut the neck of the Bill, for the sake of the parties themselves. The Bill was not what it pretended to be. It professed to be a measure for the formation of a great Western Railroad, but it was no such thing. It was in fact a measure for the formation of a rail-road from London to Reading, and then (there being an intermediate line of considerable distance of the Kennet and Avon canal) from Bath to Bristol.

The Duke of *Buckingham* said, that the noble Lord was mistaken in saying, that the Bill appeared under false colours. In the preamble, it was distinctly stated, that the Bill was for the formation of a rail-road from London to Reading, and from Bath to Bristol. He thought, that such a rail-road would be a great public convenience.

The Marquess of *Londonderry* thought their Lordships had better allow the Bill to be read a second time, and leave the parties to take their chance of its being passed through the Committee.

Their Lordships divided on the question, that the Bill be read a second time: Contents 30; Not-contents 47—Majority 17.

The Duke of *Cumberland* begged to be understood as not having declared himself contrary to the Bill, having voted against it solely because it had been delayed to so late a period of the Session.

Lord *Wharncliffe* said, he feared that the determination to which the House had come would occasion great discontent among the people, which would be increased by the reason now given for the determination. What did that determination hold out, but that if parties could by any means, no matter how vexatious, delay the progress of a Bill, this House would not entertain any inquiry into the merits of a measure so delayed at an advanced period of the Session? It would lessen the confidence of the people in the justice of the House.

The Earl of *Eldon* begged to tell the noble Lord, that he had given his vote on conscientious grounds, and he was not to be told that such a vote would be injurious to their Lordships in the estimation of the people.

Lord *Wharncliffe* said, he did not charge any of their Lordships with not having given a conscientious vote on this occasion. He claimed for himself that he had done so; for though he advocated this Bill, he had no private interest in it, and he believed that their Lordships' votes had been equally conscientious. At the same time he must declare, that he considered their decision on the question could not prove a good precedent. It would have the effect of showing that parties might be defeated by a pertinacious opposition, involving a loss of time.

The Duke of *Cumberland* said, that the effect of their Lordships' decision would be to give a lesson on the expediency of forwarding Bills, instead of procrastinating them.

The Earl of *Radnor* said, that he performed his duty conscientiously, trusting to Providence for the consequences, and he thought he ought not to be reproached with his vote.

The Amendment, that the Bill be read a second time that day six months, was agreed to.

FOREIGN AND DOMESTIC POLICY.] The Earl of *Winchilsea* rose for the purpose of putting a question to the noble Viscount at the head of the Government, with the view of getting a clear and distinct statement as to the principles which his Majesty's Ministers intended should guide them with reference to the foreign and domestic policy of the country. If they looked at the position in which the country now stood, it must appear to every one that there were questions at issue affecting all classes of the community. Indeed, he would venture to say, that there never was a period in the history of this country when information as to the course of policy adopted by his Majesty's Government was more generally or more imperatively called for. Any charge of factious motives with respect to his opposition was most unjustly founded. He could put his hand on his heart, and honestly declare that, of all the votes he ever gave against the measures of the present Government, not one of them had been influenced by factious motives, nor did he ever enter into any bond of union with persons on that side of the House for the purpose of getting up a factious opposition. With respect to the two measures formerly alluded to by the noble and learned lord on the Woolsack, his opposition to them had been on conscientious grounds. He had never wished, nor did he wish at present, to embarrass in any way his Majesty's Government; and, however much he might differ from the opinions of the members of that Government, he had no wish to prevent them from carrying useful measures by an unnecessary and uncalled for opposition. He could honestly say, that he had not the slightest desire to increase the difficulties under which the present Government laboured — difficulties which all must acknowledge were unparalleled in the annals of this country—which no human wisdom or legislation could meet and successfully encounter. He contended that the balance of power in this country was completely destroyed, and he trusted, that the noble Viscount opposite, who was now at the head of his Majesty's Government, would make the communications that were demanded of him. With respect to foreign countries, he would beg their Lordships to look to Spain and Portugal—ay, to Portugal — for it was a grievous mistake to imagine that the contest in this latter country was ended. That contest would be renewed by the partisans of that prince who was now an exile, but whom the people of Portugal looked upon as their rightful monarch. He was their lawful prince, not expelled from Portugal by the people of that country, but driven from it by the gold and warriors of England. He begged to call the attention of the House to the situation Portugal was in, and he asked whether it was not the duty of the present Government to give their Lordships some information as to the line of policy intended to be pursued with respect to that country. If they cast their eyes towards Holland, they would see a prince and a people who had been most cruelly used, and who were only waiting for a fit opportunity to avenge the injuries they had received. He would ask the Government, therefore, whether they had made any pledges as to the line of foreign policy they were inclined to adopt, whether they intended to interfere in the internal regulations of other countries, and whether they had pledged this country to that effect? He called upon the noble Viscount, in order to know from him whether any interference on the part of this country was intended respecting Spain? He asked this question because he had read in the journals of the day, that certain vessels, supposed to be conveying arms to Spain in favour of the cause of Don Carlos, had been stopped. He desired to know whether those vessels had been arrested by order of the Government of this country. He also desired to be informed whether any compact had been entered into between this country and France respecting Spain, and respecting Don Miguel. Was this country pledged to France to aid her in forwarding her objects with respect to Spain and Portugal? Upon those subjects he sought for specific information at the hands of the existing Government. The Table of that House was groaning beneath the petitions of the people, complaining that their sources of wealth and greatness had been dried up and destroyed. He called upon the noble Viscount to state whether the Government of which he was the head were determined or not to uphold the institutions of the country, to support the Church and State, to support the Church of Ireland; and whether they intended honestly to correct the abuses of those institutions, to reform the Church of Ireland, but not to surrender a particle of the property that belonged to that Church. He asked those questions in order to afford the noble Viscount an opportunity of stating the line of policy he meant to pursue, and the measures he intended to adopt in the present awful state of the country. The noble Viscount would, he hoped, state the course of foreign and domestic policy he intended to pursue. For his own part he held, that the principle of non-interference in the internal regulations of other countries ought to be strictly adhered to, if Government wished to uphold the institutions of this country, which institutions every person and every Government ought to respect.

Viscount *Melbourne* said, that with every intention to pay that attention and respect to the noble Earl which he deserved, he must say, at the same time, that he found it extremely difficult to comprehend the nature of the noble Earl's questions, and of course extremely difficult to give an answer to them. The noble Earl said, that he rose to put two questions, and the noble Earl had prefaced them by a speech, into the multifarious topics of which he did not feel it necessary on the present occasion to enter. He must repeat, indeed, that he did not precisely understand the nature of the noble Earl's questions. The noble Earl seemed to think, that it was some imputation on him, that he had not followed the example of those who had preceded him in the situation which he at present filled, in making a statement as to the general principles on which the Government would be conducted. Looking, however, at the peculiar situation in which the present Government stood—seeing that it was not in any respect a new Government, that it was in fact only a renewal of the old Government, with the loss of one member, whose loss all must deplore,—seeing that there were no persons in the present Government who had not been, in some situation or other, connected with the former Government—taking all these circumstances into consideration, he thought that they constituted a sufficient guarantee, without any necessity for a specific declaration on the part of the head of the Government, as to the principles upon which the present Government would be conducted, and as to the views and measures which they had in contemplation. The former Government had existed more than three years. The measures which it had proposed, the principles upon which it had acted, both as regarded foreign and domestic policy, were before the country, and there was nothing for him to do but to follow up those principles, suiting them to the circumstances of the times, and to the events that might possibly arise. The noble Earl had complained that factious motives had been imputed to noble Lords on that side of the House, and that they had been represented as desirous to embarrass his Majesty's Government. He was not aware that any such insinuations had ever been cast from that side of the House upon noble Lords opposite; at all events, he could say, that such insinuations had never proceeded from him. The noble Earl said, that he had given notice of his questions. That was a novel thing in Parliamentary practice, and he (Viscount Melbourne) could not exactly see the utility of it. When a notice of a Motion was given, the objects and purport of the Motion could generally be gathered from the nature of the notice; but it was quite a different thing as regarded a notice as to putting questions. A noble Lord might give notice to this effect—"I shall to-morrow ask questions as to foreign policy and domestic policy." Was there any possibility of collecting from such a notice the precise nature of the questions that might be asked? He did not think that he should be acting rightly if he should on this occasion allow himself to be led into a discussion of all the topics to which the noble Earl had adverted in his speech. With regard to the foreign policy of the Government, he would only say, that it would be conducted upon the principles upon which it had been already conducted, having in view the securing the peace of Europe, by the formation of such alliances as the circumstances of the times, and the situation of this country and of Europe, might require. With regard to the principle of non-intervention, every one was agreed that it should be the rule, but still it must be admitted that there were exceptions to the rule. Perhaps, however, he was wrong in entering so far into the particulars into which the noble Earl had gone. If the noble Earl felt, that his Majesty's Government had done anything wrong, or that they were pursuing a wrong course, he could bring the matter by Motion before the House, and it would be then for his Majesty's Ministers to defend themselves against the noble Earl's charges. If the noble Earl thought that the course of proceeding adopted by the Government should be changed, let him move an Address to the Crown to that effect, or let him move a Resolution of the House on the subject, and then it would be for his Majesty's Ministers to consider what it would be wise and prudent to say in reply to him. With regard to the internal policy of the Government, he would say, that it was their intention to uphold and maintain our institutions (he used the noble Earl's very words), at the same time adopting every well-considered reformation called for by the circumstances of the case, and demanded by the intelligent majority of the community. He conceived, that he had given a very clear and distinct answer to the questions of the noble Lord as regarded the foreign and domestic policy of the country. He had not accompanied that answer with observations in reply to those of the noble Lord, as he thought that such a course of proceeding was, to say the least of it, extremely inconvenient.

The Earl of *Winchilsea* was not satisfied with the noble Viscount's explanation. It was absurd to say the present was not a new Ministry, for it had been expressly stated in both Houses, the other day, that "Lord Grey's Government was at an end, and a new one in course of formation," The Earl of *Radnor* rose to order. The noble Earl had set out with saying, he only wished to put a question or two; he had put two questions in a very lengthy speech, and had gained his answer; yet he had now got up again to address the House on the same subject, though a subject of very great importance was waiting the consideration of their Lordships.

The Marquess of *Londonderry* wished to ask, whether it was by the noble Viscount's orders, that certain vessels which had been armed and were about to be forwarded to Spain, had been arrested?

Viscount *Melbourne* said, he did not know, as a matter of fact, that the circumstance mentioned by the noble Marquess had really occurred.

The subject was dropped.

POOR LAWS' AMENDMENT—COMMITTEE.] The House went into Committee on the Poor-laws' Amendment Bill.

On Clause 25 being proposed,

Lord *Kenyon* objected to the arbitrary power given to the Commissioners, of consolidating parishes, as there were many cases in which there were parishes well-regulated, and with a small amount of Poor-rate, and it would be a hard case for such a parish to be mixed up with a parish where the rates were high and the affairs ill-managed. He should, therefore, propose, as an Amendment, that no parishes should be consolidated into a union without the written consent of a majority of the guardians of the poor and of the rate-payers in each district.

The *Lord Chancellor* was not surprised that the noble Baron who was opposed to the fundamental principle of the Bill, should propose this Amendment. It was, however, anything but an Amendment, for it would have the effect of crippling the Bill in one of its most material features, and, in a great measure, of preventing that change by which it was intended to return to the old and salutary system, which taught every man to depend on his own industry, on his own resources, to despise and hate as much to be a pauper at all, as to be a pauper receiving relief in a workhouse. It was generally found, as appeared by the Report, that when a man said he could not find work, the reason was he had not made the experiment; and it was almost invariably the case, that after being in the workhouse a little time, labourers got out, and contrived to find work elsewhere. This was the effect of the workhouse system, which was the best feature in the Bill, for it tended to restore to the lower classes that natural tone of which the mal-administration of these laws had almost divested them. The system had been tried in several places on a small scale with the happiest effect.

Lord *Falmouth* supported the Amendment. He concurred in the principles stated by his noble friend (Lord Kenyon). Parishes varied much in circumstances; and it would be doing much injury to some parishes if they were united with a neighbouring parish.

The Earl of *Radnor* said, that it was absurd to suppose the Commissioners would go into the country for the mere purpose of annoying and injuring one parish by joining it to another. There was no reason to suppose but that they would exercise their judgment in an impartial and proper manner.

Lord *Falmouth* had no doubt they would: what he objected to was the principle.

The Earl of *Winchilsea* supported the clause, and was rather surprised that the noble Baron should oppose it, considering how nearly he was connected with an extensive parish (Mary-la-bonne), in which the system of setting paupers hard to work and giving them necessaries instead of money, had reduced a body of paupers demanding relief in one week from nine hundred to fifty.

Lord *Wynford* had no objection to the union of parishes, provided the parishes wished it, but their consent he considered indispensable, for it would be too bad to mix up a well-conducted and consequently prosperous parish, with an ill-conducted one. He was ready to admit, that the system of a union of parishes for the purpose of having one workhouse among them would be cheap; but many a thing was cheap which, so far from being desirable or proper, was most injurious to the country. And he was satisfied, that great evil would result from the intermixture of so many paupers together. There could be no question, that a great contamination of each other's morals would be the consequence. Paupers ought not to be so far removed from their friends as that they should not be able to visit them. The workhouses under the proposed Bill would, in fact, be several county prisons, in which paupers would be separated from their friends. He thought that it ought to be left to the paupers themselves, provided they received the concurrence of the Magistrates, either to go to the workhouse, or to eat their meals at their own houses, or in the open air. That was the practice under the old law.

The *Lord Chancellor:* No, no.

Lord *Wynford:* Yes, yes.

The Duke of Buckingham here read an extract from the 2nd Geo. 2, confirming the statements of Lord Wynford.

Lord *Wynford* resumed: He thought that if the Commissioners were to have the power to unite parishes, they ought also to have the power to dissolve such union when it was proved to be injurious. He repeated, that they ought to possess the power of dissolving, as well as of making unions, in order that they might be able to correct any evils which might be found in certain cases to result from uniting parishes together. He liked the old law, and they ought not to consent to any innovation in that law, unless the innovation could be proved to be an improvement. He would, therefore, support the Amendment of his noble friend.

The *Lord Chancellor* said, that his noble and learned friend had completely misconceived the import of the observations which he had made, and also the object of the clause itself. The object of that clause was, to enable the Commissioners to unite a number of parishes together, which were too small to enable them to erect and support workhouses for themselves. His (the Lord Chancellor's) noble and learned friend had also completely mistaken the meaning of the 2nd George 2. There was no doubt that the Act in question gave the Magistrates the power of affording relief to paupers at their own houses. There was no doubt, he (the Lord Chancellor) repeated, that the Magistrates had the discretionary power of either sending paupers to the workhouses, or relieving them at their own houses; their Lordships all knew how that power had been abused. Wherever the power was exercised to advantage, that was the exception; the abuse of the power was the rule, and greatly had it been abused. His noble and learned friend had endeavoured to give the workhouse a bad name, which it certainly did not deserve, and which it certainly ought not to bear in the estimation of their Lordships. He could have no objection to his noble and learned friend endeavouring to give the workhouse a bad name in the eyes of the paupers, because that might have the effect of impressing them with a horror of it, and consequently prove an inducement to them to do all they could to avoid it. But his noble and learned friend ought not to try to persuade their Lordships, that it deserved this bad name. His noble and learned friend had compared the workhouse, under the new system, to a great prison. The comparison was most unjust. There was all the difference in the world between a workhouse and a prison. Paupers were not compelled to enter the workhouse; they would go to it of their own freewill. It was different with regard to a prison. Men were obliged to go into it against their wills. Paupers could leave the workhouse when they liked; but men could not leave the prison when they liked. They were detained contrary to their inclinations; they could not get out of it. He wished that the noble and learned Lord would exert his eloquence, as he had already stated, against the workhouse, in the eyes of paupers, so as to prevent them going into it. His noble and learned friend's imagination had run away with him, and he had attributed to the Bill what was not to be found in it.

Lord *Wynford* explained. It was not to workhouses generally he objected, but to those forced unions. Workhouses were very useful in particular parishes. The Bill gave the same discretionary power to the Commissioners as the Magistrates enjoyed before.

Lord *Ellenborough* said, they must leave this clause in the Bill as it stood, if the object were to produce cheapness in the administration of the Poor-laws. With this view it would be necessary to give the Commissioners the power of uniting parishes. He thought that, in all cases above and under a certain age, children and infirm persons ought to be entitled to relief out of the workhouse at the discretion of the Magistrates of the district.

The Duke of *Wellington* thought the question a very simple one. It was, whether parishes should be compelled to unite whether they liked it or not, without the consent of the guardians of the poor. He thought, that the establishment of workhouses, in the manner proposed, would tend to ameliorate the system. In many parishes there was not, at present, the means of erecting a workhouse, and those parishes could never have the advantage of one without uniting with other parishes.

The *Lord Chancellor:* There are 600 parishes that do not average a population of more than 300 souls each, and 9,000 parishes that do not average more than 500.

The Duke of *Wellington:* It was clear from this that, if the Magistrates considered a workhouse necessary, it could only be erected in any particular district by a union of parishes.

The Marquess of *Lansdown* admitted, that the power it was proposed to grant to the Commissioners could only be justified by necessity; but that necessity being made out, as he thought it was, by the Report of the Commissioners, he could not see why they should not have the power of disuniting as well as of uniting parishes without the sanction of the guardians of the poor. If the necessity for constructing a workhouse for different parishes were made out, there was no other means of erecting it except under the power given by this clause. There was an instance of a parish in Gloucestershire, the administration of which was excellent; but the adjoining parishes refused to unite and afford the means of erecting a workhouse; and there was no power to compel them, except by the provisions of this Act. The Commissioners would, of course, in the union of parishes, take the opportunity of availing themselves of the large workhouses already constructed, and classify the parishes accordingly. It had been said, that the erection of workhouses would drive persons out of the parishes in which they were built; but, if it even had that effect, would not this be a stimulus to those persons to look out for work to avoid the workhouse?

The Duke of *Buckingham* wished to know, if there was any objection to limit the space for which each workhouse should be built.

The *Lord Chancellor* was rather in favour of a limited distance than any particular number of parishes; for instance, say a circumference of ten or twelve miles.

The Amendment was negatived.

Lord *Ellenborough* said, he was desirous of introducing here a clause which he thought their Lordships would not feel much difficulty in agreeing to. It was to this effect:—"That it may be lawful for any two Magistrates acting within any city, borough, or hamlet, to direct that relief shall be given to any child under the age of three years, or to any infirm or aged persons above sixty years, without compelling such persons to reside in the workhouse, any rule or order of the Commissioners to the contrary notwithstanding." He was sure their Lordships would see how cruel and unnatural it must be to separate mother and child, or husband and wife, at an advanced age. He should not be surprised, if such violence to the feelings of persons in such tender relation to each other were to cause an insurrection. He hoped, therefore, their Lordships would see the advantage, and, indeed, the humanity of adopting the clause.

The Earl of *Radnor* thought, that it would be better to give the power to the Commissioners than to the Magistrates.

Lord *Ellenborough* said, that he thought the Magistrates were the most proper persons, as the Commissioners would not have the power to delegate any authority. He named the age of three years for a child, because he considered it much more natural and proper that an infant of that age should be under the care of its parents than in the care of a mercenary nurse.

Viscount *Melbourne* had a strong objection to that part of the clause proposed by the noble Baron, which went to relieve children out of the workhouse, because it was totally at variance with the general principle of the Bill; and, besides, parents were obliged by law to support their children, even to the grandfather and grandmother. There was also another objection. A child of such tender years could claim no relief for itself; the application must be from the parents.

Lord *Ellenborough* was disposed, after what had fallen from the noble Viscount opposite, to consent that that part of the clause, which applied to children, should be omitted.

The Clause, with this omission, was agreed to.

On clause 40, relating to the instruction of paupers in workhouses, having been proposed,

The Archbishop of *Canterbury* proposed an Amendment to the effect "that all workhouses should be under the care and superintendence of the Curate or Vicar of the respective parishes in which such workhouses were situated, and that the said Vicars or Curates might visit such workhouses at all proper times, for the purpose of affording religious instruction to such of the inmates as professed the Established Religion, provided, that no pauper be obliged to attend divine worship contrary to the religious belief in whch he or she had been brought up; nor should any child in the workhouse be instructed in the creed of any particular religion against the wishes or feelings of the natural parents or guardians of such child."

The *Lord Chancellor* said, that the Amendment proposed by the most reverend Prelate appeared to him to embrace every object that was necessary.

The Archbishop of *Canterbury* would have no objection to add to the Amendment, "that the workhouses should be open always to clergymen not of the Established Church."

The Clause and Amendment were postponed.

The Clauses to the 51st were agreed to.

The House resumed.

HOUSE OF COMMONS,

Friday, July 25, 1834.

Minutes.] New Writ ordered. For the Eastern Division of Gloucestershire, in the room of Sir William Guise, Baronet, deceased.

Bills. Read a third time:—Newspapers Postage; *Quare Impedit* Actions; Friendly Societies.—Read a second time:—Dean Forest; Arms Importation (Ireland).

Petitions presented. By Sir John Tyrell, and Messrs. Finch, Miles, and Forster, from several Places, for Protection to the Church of England.—By Mr. Miles, from Whittington, against; and by Mr. Wilks, from Llannely,—in favour of the Dissenters.—By Mr. D. O'Connor, and Mr. F. Shaw, from several Places, for Protection to the Irish Protestant Church.—By Captain Dunlop, from Renfrew, against a Local Act; from Kilmarnock, for Relief to the Handloom Weavers.—By Mr. Cobbett, from Eye, against a Clause in the Highway Act; from Kilgureer, against Tithes in Ireland.—By Lord John Russell, from Hitchen and Potten, for placing Retailers of Beer on a footing with Licensed Victuallers.—By Mr. Wilks, from Frampton, for an Inquiry into the Charitable Funds in that Place; from Holbeach, against the Church Rates Bill.—By Sir George Murray, from two Places, for Protection to the Church of Scotland.—By Mr. Buckingham, and Dr. Lushington, from two Places,—against Drunkenness.—By Dr. Lushington, and Mr. Charles Russell, from Ampthill, and Castle Tonington, for Protection from Incendiaries.—By Mr. Buckingham, from the Corporation of Dublin, for the Better Observance of the Sabbath.—By Mr. Sheil, from the Catholic Clergy of Killala, for Assistance to form a Seminary in that Diocese.—By Mr. Christmas, from Waterford, for Parliamentary Papers.—By Mr. Peter, from Penzance and St. Ives, for the Repeal of the Reciprocity of Duties Act.—By Sir H. Campbell, from Renfrew, against the Poor-Law Amendment Bill.—By the Attorney General, from the Debtors in the King's Bench Prison, for causing the Discharge of those Debtors who have petitioned for and are entitled to it.—By Mr. Mark Philips, from the Chamber of Commerce, Manchester, and from Staley Bridge, for the Repeal of the Duty on Cotton Wool.—By Mr. Abercromby, from the Edinburgh Chamber of Commerce, against the Bankrupts (Scotland) Bill.

British Fishermen.] Mr. *Baring* rose to present two Petitions, one from fishermen of Essex, and the other from fishermen of Jersey, &c., engaged in the channel fisheries, complaining of annoyances which they experienced from the French authorities while fishing off the French coast. The subject was of immediate importance to the petitioners, inasmuch as it concerned the means of obtaining their subsistence by the exercise of what they considered the right of British subjects; but it was not of importance to them only, it was of the greatest consequence to the country. He was glad that the noble Lord (Lord Palmerston) had attended to hear the petitions stated; he, therefore, doubted not that the noble Lord would give the subject that serious consideration which it deserved. The first petition was from some fishermen of Berkhampstead, in Essex, the other was from a large body of persons in the Isle of Jersey, interested in the same industrious trade. Their statement was, that from time immemorial they were in the habit, up to the year 1821, of dredging for oysters in the seas between Jersey and France, and it was well known that those coasts furnished the oysters which supplied the beds at the mouth of the Thames; and besides, these fisheries furnished this country with a great number of excellent seamen. The question, therefore, was of the greatest importance to this country. The statement was, that from the year 1821, the French began to molest the fishermen of this country, and disputes arose as to how near they might approach the French coast? He would refer upon this subject to the opinion of the hon. and learned member for the Tower Hamlets (Dr. Lushington), than whom no better authority could well be adduced. The statement of the hon. and learned Doctor was, that the question must be determined in the first instance on the principle of the law of nations. The law of nations prescribed that every country had the right to prevent the inhabitants of any other state fishing within gunshot of their coast, which was estimated to be a maritime league from low-water mark. The learned Gentleman went on to say, that although the question must be settled primarily by the law of nations, the particular right of a country might be affected by long custom and usage, and that the rights granted by the law of nations might be interfered with by long-established custom. He was inclined to think the question had now lain dormant so long that, exclusive of the molestation which had taken place, we should, if the question were not further mooted, suffer a custom and usage to be established that might be fatal to the right. The statement of the petitioners was, that they continued to exercise their right of fishing, when they were interfered with by the French, who stationed three cruisers to put an end to their proceedings, laid claim to an extent much exceeding their former limits of the French fisheries, and declared that custom and usage were in favour of their claim. It was the opinion of the learned individual to whom he had alluded, that by usage an exclusive right to fish beyond three miles of the French coast might possibly be established by the inhabitants of that country, but it was not possible such a right could be established except upon the principle of usage. When the complaint was made the depositions of the fishermen who had been molested by the French were taken before the Magistrates at Colchester, and those depositions were all confirmatory of the facts of the case which were stated by the petitioners, and the Magistrates expressed the high opinion they entertained of the credibility of the witnesses who had given evidence on the subject. The hon. Member then read the observations made on the occasion, which concluded by observing, that the grievances complained of by the English fishermen were of recent date, and that as many as sixteen English fishing vessels had been forcibly taken into the harbour of Granville, for fishing within three miles of the French coast. The subject had, he understood, been under the consideration of the French government for many years; and in the year 1824 an order was issued by the Government of this country to our English cruisers to take care not to give protection to any English fishermen who should be found fishing beyond the limits of the maritime league. The King's Government being desirous to avoid any hostile collision between the two countries issued a second order, declaring, that until the question was decided, the English fishing vessels should keep without two leagues of the French coast; and this was the situation in which the matter now stood. This arrangement, however, was understood to continue in existence pending the agitation of the question. The complaint of the petitioners, therefore, was, that from the year 1821, until the present time, the French being perfectly satisfied with the temporary arrangement that had been thus made, and acceded to by the Government of this country, no final adjustment had been effected. By this arrangement there was a line of shoals, extending upwards of twenty-five miles along the French coast, which were not used by the fishermen of that country, and from which the English fishermen were prohibited. Under these circumstances, he trusted the noble Lord opposite would see the vast importance of the subject to the people of England generally, as well as the individuals whose craft were so seriously affected by the existing arrangement, and that he would set himself seriously about effecting a solid settlement of the question. The noble Lord had said on a former occasion, that the statements had been rather of an exaggerated nature, and that the English fishermen were much to blame; but he could assure the noble Lord that they had never been afforded a fair hearing. He trusted the House would not suppose, that either the petitioners or himself were indifferent to the importance of maintaining a good understanding between this country and France. He believed it to be the wish of every man of common sense, and had been ever since the destruction of Napoleon, that nothing should be done to interfere with the friendly understanding that subsisted between this country and France; and if the noble Lord declared that we could not maintain and defend the rights of our fishermen in the Channel, the noble Lord must have put the diplomatic relations subsisting between the two countries on a footing that was neither consistent with common sense nor common justice. He would present the petitions to which he had alluded, sincerely hoping the subject would be speedily inquired into. He was satisfied the interference of the noble Lord would be much better than the interference of the House; but if some adjustment did not take place during the recess, he should feel it to be his duty to call the attention of the House to the subject in the next Session of Parliament.

On the Motion that they do lie on the Table,

Viscount *Palmerston* said, nothing could be more fair than the temperate manner in which the subject had been introduced by the hon. Member. As the whole subject of the English fisheries was under the consideration of Government, he should not be expected, for obvious reasons, to say anything that might prejudice the claim of the petitioners. With respect to the limits of the Jersey oyster-fisheries, the hon. Member had very correctly stated, they were fixed by common consent; but it must not be supposed that that arrangement was final, being merely a provisional arrangement made between the commanders of the French and English cruisers, for the satisfaction of both parties, until a final adjustment could be made by the Government of each country. While, on the one hand, our fishermen were bound to keep without the limits until the ultimate adjustment was effected, yet, on the other hand, the Government of this country was not precluded from appealing to the government of France upon the question, and coming to a satisfactory arrangement. He regretted, however, it was not in his power to meet the wishes of the petitioners by giving to our Ambassador at Paris instructions to take up the question with a view to effecting a final arrangement with France. In legislating on the question he found it to be much more comprehensive than he at first imagined. He had considered it quite confined to the fishing between Jersey and the coast of France; but he found it involved a much more general question, a question of great legal nicety, extending back to a long period, and he felt that he should not be doing his duty to the subject, if he neglected to give it the very fullest inquiry, in order to gratify the impatience of any class of individuals. The hon. Member had said, the petitioners were dissatisfied with some expressions that had fallen from him on a former occasion, when the subject was before the House. What he had said was, that in almost every case that had come within his knowledge in which English fishing-boats had been captured by French cruisers, it had been found that the English fishermen had trespassed beyond the line which had been mutually agreed upon as the boundary which should limit the fisheries of the two countries. He had a Report from the Commander of the Station, dated the 5th of May, stating, that six vessels, detained by the French authorities, had been all in the wrong, and gone some miles within the limit, notwithstanding the signals of warning given to withdraw. He had derived similar information from the authorities off Jersey. He would not, however, say, that the practice was general, but whenever the French authorities interfered, our people were for the most part in the wrong. He was perfectly aware of the great importance of this subject, and felt it his duty to give it his most serious attention, with a view to see whether some measures of a satisfactory nature could not be adopted, which he would have done before, had he not been prevented by other pressing business, and by the extent of this question, which, on looking into it, he found to be much larger and more important than he had at first imagined. The arrangement come to by the respective Commanders of the two countries, until the matter could be adjusted between the two Governments, was, that the fishermen should not come within two maritime leagues of the French coast, and that being the arrangement, till the question could be adjusted, our fishermen were bound to obey it. To protect the fishermen this Government maintained a cutter off the stations—that was its special duty; and when our fishermen had been molested, they had disregarded the arrangement. The six vessels belonging to Colchester, Jersey, and Southampton, which had been interrupted and detained, and to which he had just alluded, all went within the limits. He had special Reports on the subject, and read the heads of them. Some went two miles within the limits, some more; but all six were in the wrong. Those who sent him the Report had no interest in misrepresenting the facts. [Mr. *Baring:* Had the wind not driven them in?] He had understood not. Some went four miles within the limits, and, after the firing of twelve signal guns by our cruizer to warn them of their error. He did not say, that the neglect of the arrangement was general. There were between 200 and 300 vessels engaged in these fisheries; he believed many of them attended strictly to the limits that had been agreed upon; but in this, as in all other pursuits of this kind, there were many persons of a roving disposition, some few of them regular poachers, and it was this class of individuals who had principally suffered, though it was probable some innocent persons had unfortunately suffered among them. He did not think the French authorities had been guilty of those systematic severities that had been imputed to them, every attention having been paid to the complaints that had been brought before them. He knew the interests of a great number of his Majesty's subjects were affected by the existing arrangements, and he could assure the hon. Member he had put the subject in a regular train of inquiry, but feared, from the extensive character of the bearings of the question, so speedy an adjustment could not necessarily take place, as he, with many Members of the House, most earnestly desired.

Sir *Robert Peel* observed, if he were asked, what was most likely to produce ill-will between the two countries, he should reply, that nothing was so calculated to create such a fatal result as these constant squabbles about the rights of fishing; and as that was the case, and as nothing could be more unsatisfactory than the present state of the question, he thought it was of paramount importance that the Government should attend to it. The present was a mere provisional arrangement, and yet it had continued since 1821; it was unsatisfactory because such an arrangement could not be viewed as law. He thought a negotiation should take place with a view to a proper treaty between the two nations, to be confirmed by an Act of Parliament. Nothing, in his opinion, could be more serious than the question that might hereafter arise on an attempt to enforce the limits which had been mutually agreed upon by the commanding officers of the French and English cruisers, being admitted by both countries to be merely provisional arrangements, and not having the force of law. So far as our own fishermen were concerned, he had no doubt they had frequently transgressed the boundary, and as the law at present stood, he very much questioned whether, if a French officer were to kill an English fisherman, difficulties of a most serious nature would not arise. The noble Lord said, he was informed, that in each case our fishermen were in the wrong, and he had no doubt they were; but if an English fisherman went within the line, declaring the law to be in his favour, and refusing to recognize the arrangement that had been entered into between the two countries, he apprehended all that could be done by the English Government was to withdraw that protection from him, to which every other English subject was entitled, and leave him entirely to the mercy of the French law. The fishermen knew, however, that they were allowed to go within a league of the French coast, but, if there was no special arrangement, how was that to be measured? If it were said from low-water mark, in some places [the tide seceded miles over the flat ground, and in others it only sank a few feet on the surface of the steep rocks. Under such circumstances, it was difficult for the fishermen to judge of their distance from the boundary. Altogether the question was as difficult as it was important, and it could not be settled by a reference to the law of nations. He trusted, that France would lend herself to the amicable settlement of this question which could not be decided by individual cases. It was for the interest of both nations that this question should be settled without delay, for one day's war would be more costly than all the oysters caught in a century would be worth. If the question were left unsettled the national honour would get involved, and peace would be disturbed. The fishermen of both countries were a bold and gallant race of men, full of national prejudice and jealousy, and their quarrels might breed a war between the two countries. He could not consider that the country was safe while this question was left open.

Sir *E. Codrington* said, that as both parties believed themselves to be in the right, and ready to fight for what they deemed their right, it was most important that the question should be settled.

Sir *J. Tyrell* supported the petitions, and concurred in the sentiments that had fallen from the hon. Member who had presented them. He agreed in the importance of the question, and trusted, that the noble Lord would lose no time in attending to the subject, and that, by the next Session, the noble Lord might be able to give some satisfactory statement respecting it.

Mr. *Baring* begged to remind the noble Lord, that the fishing commenced in September.

Petitions to lie on the Table.

INCREASE OF OFFICES.] Lord Althorp moved the Order of the Day for the House to resolve itself into a Committee of Ways and Means.

Mr. *Goulburn* said, that he would avail himself of the present opportunity to bring under the consideration of the House a question to which he had often adverted in the course of the present Session. The House would recollect that at an early period of the present Session, he had called for a return of the number of offices created under Acts of Parliament which had been passed, and under various commissions which had been issued, during the last Session. The delays which had occurred in making up that return, prevented him from laying before the House a complete picture of what had taken place, but he would endeavour to give the House an outline of the extent to which the creation of offices had been carried. It was necessary, by Act of Parliament, that Government should make to Parliament, every year, a statement of the increase or diminution of the amount of salaries in the several public offices, and that statement included, of course, the number of offices that had been increased or diminished in the same time. If the House should be governed by the paper which had been that year laid upon the Table, and if they should suppose it to present a real statement of the increase or diminution of offices, they would be much and grossly deceived. For it would appear from that paper, that in the year 1833 there had been an increase of 128 new offices, and a diminution of 221 old ones, leaving a balance of ninety-three in favour of the diminution of offices. But the facts of the case were very different. He would confine himself at present to the year 1833, because that was a year of which the returns were partially before the House, and to which it was only necessary that he should refer at present. It appeared that during the year 1833, nine commissions had issued, and ten acts had been passed, under which various appointments had been made. There were also other appointments, of which no returns had been made, because the time for making them had not yet arrived. Of those appointments he should take no notice, but should found his argument entirely upon the documents now on the Table. The official paper, containing a return of the increase and diminution of offices, presented, as he had already told the House, a diminution of 221 old offices, and an increase of 128 new ones. But when he looked at certain returns, which had been subsequently made, he discovered that instead of a balance of ninety-three offices in favour of reduction, as there would be, supposing that the increase had been 128, and the reduction 221, there was a balance of 332 in favour of the augmentation of patronage, as there had been 553 new offices created, and only 221 reduced. Let the House consider the effect of this in point of expense. From the official paper it appeared, that there had been a diminution of 30,000*l.* during the year, in the amount of salaries; but when the House looked at the whole state of the case, as it appeared upon other public returns, it would be found that, instead of any diminution, there was an actual augmentation of salaries to the amount of 85,000*l.* during the year, for the whole amount of salaries of the offices created in the year, was 115,000*l.* He would read to the House a brief abstract of the offices which had been created, 425 of which he found by the returns were not enumerated in the official paper. In this number of offices, there was one,—and he believed there was another, that held by Mr. Macaulay, but of which no return had been made. In the number of offices created, he said there was, besides that held by Mr. Macaulay, one of 6,000*l.* a year. Of offices of 3,000*l.* a-year and under 6,000*l.* there was also one; of offices of 2,000*l.* and under 3,000*l.* one; of offices of 1,000*l.* and under 2,000*l.* thirty-two; of offices of 800*l.* and under 1,000*l.* seven; of offices of 600*l.* and under 800*l.* four; of offices of 400*l.* and under 600*l.* eight; of offices of 200*l.* and under 400*l.* 141; of offices of 200*l.* and under — 230; making the total of offices created, 425. This, be it observed, was in one year, and the expense of salaries was 115,000*l.* That expense resulting from new arrangements, was an object to which the consideration of the House might be fairly called; and it was for that reason that he had moved for these returns, being convinced that if the House were determined to pursue a career of economy, it ought to look not only to the salaries which were paid out of the funds over which it had control, but also to the salaries of offices created and paid out of funds over which it had no control. The Members of the present Government maintained that they conducted the affairs of the State with less regard to patronage, than the Members of any Government which had preceded them. He would not enter into any discussion whether that statement were true or not; but this he would say, that if any Government had been anxious to create offices for the sake of increasing its patronage, it could not have adopted a better course to accomplish that object than that which was developed in the measures of the present Ministers, for they carefully proclaimed the offices which they abolished, whilst they concealed the offices which they created so carefully, that without ferreting into every hole and corner, it was impossible to come to the knowledge of them. If patronage were the object of a government, then this mode of accomplishing it was among the best that could be devised, for classes of offices were created to suit the taste of every class of customers. Here were offices under 200*l.* a year for the lower classes; here were offices under 400*l.* a year for the middling classes; here were also other offices for persons of higher rank, who could return service of equal value for the patronage which they received from Government. Among the persons whom it must be the desire of every Government to conciliate were those connected with the legal profession. They were a class of persons whom it was important for Government to conciliate—they were well educated—they had the power of explaining and diffusing their opinions—they were in the custom of advocating causes of all descriptions, though he would not say that they were in the habit of advocating bad causes, and making the worse appear the better reason, and that therefore they must be particularly useful to the present Government. They were generally men of character; they lived among the best classes, and, from their avocations in life, had an influence over all classes. Now, how many barristers did the House imagine was included in this return? He had made a memorandum of the number, but had mislaid it. He was sure, however, that he was under the mark when he said that there were 105 barristers included in it. He knew that it would be answered to him that many of these commissions created offices of great importance, and that it was necessary that they should be created to forward the interests of the public service. Be it so. Let the House look then at the mode in which these appointments were made, and let it see whether they were made to facilitate the public service, or whether there were not grounds to support the charge which he now preferred against his Majesty's Government. He would not detain the House by going into details regarding all the offices contained in the return. He would take one or two as a sample of the whole. In the course of last Session, Parliament voted a million to be distributed among the clergy of the Church of Ireland, in order to enable them to support themselves until a definite arrangement was made respecting tithes. The sum granted by Parliament was, as he had just stated, a million. The number of parishes in Ireland was 2,500, and the number of benefices was 1,250. The applicants, then, for this fund, could not, at the most, exceed 2,500, and would, in all probability, fall short of it. In those reprobate times, which it was the fashion to call Tory times, if any member of the Government had been called upon to distribute this sum, he would have made an addition of two or three clerks to some public department to meet the pressure of the emergency, and those clerks would have been employed so long as that pressure continued, but no longer. The distribution of this money might, in the times of Toryism, have added at most a dozen clerks to the Secretary's office in Ireland. He spoke with some degree of knowledge on that subject, for he had enjoyed the honour of holding that office, and he knew, that though some assistance would have been necessary, half a dozen additional clerks would have been quite sufficient. What said the return now upon the Table? In order to give effect to the distribution of 1,000,000*l.* among 2,400 persons at the most, not less than 114 persons had been appointed, and a separate office had been created, under the title of "The Tithe-owners' Relief Fund Bill-office." He would not say, that his calling for this return had frightened the Irish Government, but it somehow or other happened that it went on creating two or three clerks every day up to the 10th of April, and this return of his was ordered on the 15th. What would the House think, when it found that out of these 114 appointments, 70 of them were those of clerks? He knew that in the Secretary's office, with the duties of which he was acquainted, there was great labour to be performed. It had to conduct all the correspondence of the civil Government. It had to superintend the Reports and Proceedings of the Police, and it thus required a great number of hands. He found, however, that all the business of that office was conducted by eighteen clerks. In the office of Secretary of War, which controlled all the expense of all our regiments in Great Britain, Ireland, and every other part of the world, there were not more than thirty clerks. The Secretary of State for the Home Department, with a small number of clerks, conducted all the internal affairs of the country. And yet, under a government which disclaimed all patronage, twice as many clerks were required to distribute a million among 2,500 persons, as were employed in the Home-office in England, in the Secretary's-office in Ireland, and in the office of the Secretary at War. So much for the clerks. He next came to the barristers, who had been appointed to assist the assisting barristers; and how stood the case here? In Ireland, there were thirty-two assistant-barristers,—and the present Government had appointed forty more to assist them—a man a-piece one would have thought sufficient, but the Government had appointed forty. It might however be said, that in making this comparison, there were no clear grounds on which to form your estimate. He begged pardon—there were such grounds. In the last Session of Parliament a sum of 20,000,000*l.* was granted as compensation to the West-Indian proprietors, and was to be distributed among them. Now, to distribute that sum over all our Colonial possessions in all parts of the world, the number of appointments, as stated in this paper, only amounted to sixty, and yet 114 persons were required to distribute 1,000,000*l.* in Ireland. He could not understand how the noble Lord opposite, controlling as he did the expenses of all the departments in the State, could give his sanction to such a proceeding. He had no doubt, that his right hon. friend opposite would admit that he had been guilty of "a great indiscretion" in permitting it; and though there was no occasion to ask his right hon. friend what Cabinet Minister assisted him in "that great indiscretion," he thought that there was sufficient occasion for him to ask his right hon. friend how he intended to justify it. He knew that the House was anxious to go into the Committee to discuss the Budget. He thought, however, that this subject was worthy the attention of the House, and he knew no occasion when an explanation of it could be more satisfactorily obtained than the present. The House ought to exercise ten-fold vigilance with regard to the patronage over which it had no direct control; and if it found that the confidence reposed in the Government by Acts of Parliament was abused, it had a right to demand explanation.

Mr. *Littleton* did not rise to reply to the general observations of the right hon. Gentleman, but merely to account for the appointment of the number of clerks and assisting barristers, who had been employed in distributing the Tithe Relief Fund granted last Session. He would undertake to show the House, that the work which had been accomplished by them, could not have been accomplished in so short a time, had not such a number been employed. He scarcely needed to repeat that one million was granted last Session for the relief of the tithe-owners. The result of that grant had been, that not less than 2,490 schedules or memorials had been presented for relief. Few of those schedules contained less than 200 names; many of them contained from 2,000 to 3,000 names. The provision of that grant was, that 15 per cent should be deducted from the claims of 1833, and 25 and 30 per cent from the claims of 1831 and 1830. These memorials were sent to the different assistant-barristers in the different counties to be adjudicated upon. It was impossible for the assistant-barristers to adjudicate upon them, as their avocations on the Sessions and their other professional duties interfered, without assistance. As they must have been paid five guineas a-day for their labour, it did not create any additional expense to appoint other barristers to assist in performing this service. Assisting barristers were, therefore, appointed; and as it was necessary to distribute this fund without delay, to prevent several of the clergy from starving, a great number was appointed. That was at once a wise and humane policy. With regard to the clerks employed, it was quite necessary that they should be so numerous, in order to calculate the reductions within a given time. Sir William Gossett, who was conversant with matters of account, had calculated that it would take one man fifty-eight years to complete the account of these reductions. It was necessary, however, that it should be completed by November last; and, therefore, it became requisite to employ a good many hands in completing it. These clerks were paid two guineas a week. His right hon. friend seemed to think, that by calling for this return, he had frightened the Irish Government from making further appointments; but so far was the Irish Government from being frightened, that it was only the other day that he had written to Sir W. Gossett to put on any number of hands he might think proper to expedite the business, so as to have it ready by next September.

Mr. *Henry Grattan* asked the right hon. Gentleman whether he had not supported the Bill of last Session for distributing a million among the distressed clergymen of the Church of Ireland? The clergy asked for justice; and now, when the million was distributed, was it justice to advocate a mode of proceeding which, had it been adopted, would have prevented the distribution of the grant? The assistant barristers were employed at the Sessions; and it was, therefore, necessary to appoint other barristers to perform this public service. There were thirty-two counties in Ireland, and some of them were divided into districts. Now, to these thirty-two counties, with their subdivisions, not more than forty barristers had been appointed.

Mr. *Francis Baring* thought, that the right hon. Gentleman had not dealt quite fairly by Ministers on this occasion, by complaining that certain offices had not been included in the returns which were upon the Table, although he knew, or ought to have known, that it was the practice never to include them in such returns. The right hon. Gentleman, without saying so in express terms, had left it to be inferred that it was an extremely convenient mode of exercising patronage for Government to make appointments to situations which were not brought under the consideration of Parliament. The right hon. Gentleman knew that the returns upon the Table had been drawn up in conformity with the practice which had existed for upwards of twenty years; and, therefore, in the imputations which he had conveyed on that account he had exhibited a spirit of political charity different from that which he had expected from the right hon. Gentleman. He begged to ask the right hon. Gentleman, and he was tempted to do so only on account of the tone of his observations, whether the Commission at the head of which was the right hon. Gentleman's own brother, was named in the returns? He admitted, that the Commission to which he had alluded had done its duty to the complete satisfaction of the public, and he referred to it only with the view of showing that the fact of certain offices not being included in the returns was not attributable to any improper motive, but solely to the cause which he had stated, namely, conformity to the uniform practice. The right hon. Gentleman had also fallen into another mistake—so he supposed he must call it—he had taken the returns made under the Act of Parliament, and said, "These show so many offices to be abolished, but here are other returns which exhibit so many offices created, and the balance against the public is so much." If this statement had proceeded from any other gentleman, he should not have been surprised at it; but he must confess, that coming as it did from the right hon. Gentleman, and recollecting the department in the Government over which he once presided, it had extremely astonished him that he should have forgotten that there were many offices abolished which were not included in the returns. He could state from his own knowledge, that by a Bill brought in last year, which former Administrations had been haggling about for seven years, no fewer than thirty offices were abolished, which had not been included in the returns, because it was not usual to do so under the Act of Parliament. He was now alluding to offices not familiar to the uninstructed ear, such as the Clerk of the Pipe. The right hon. Gentleman had made some strong observations with respect to the number of commissions of inquiry which had been appointed by the present Government; but had he pointed out any one commission which could be considered useless or unnecessary? Was there any one subject upon which a Commission had been appointed with respect to which the House had a right to say, that it was not desirable that an inquiry should take place? Let him ask the House whose fault it was that had rendered it necessary to institute all these inquiries into monopolies and abuses? If the right hon. Gentleman's friends, who had been in office for about fifty years, had during that time applied the process of reform to the institutions of the country, they would not now have to complain that so many points remained for the present Ministers to inquire into. In many instances, Ministers had actually been forced to issue commissions by the urgent representations of Committees of the House, and, therefore, the House must participate equally with the Government in the censure which the right hon. Gentleman had bestowed on the appointment of commissions; but, for his own part, he thought no blame could fairly be said to attach to either upon that ground. The right hon. Gentleman had detailed to the House the number of appointments which had been made by the present Government, stating that they were made to suit all fancies and sizes, from the small clerk up to the great gentleman. Now, he would ask the right hon. Gentleman whether, from the experience which he had had of patronage whilst in office, it did not make a great difference to the parties who obtained offices if they were temporary instead of permanent? Following up that question by another, he would ask how many of the appointments to which the right hon. Gentleman had alluded were permanent, and how many temporary. The right hon. Gentleman having made it a matter of accusation that the present Government had created a large number of offices, he (Mr. Baring) would state a few facts, which could be verified by the papers upon the Table, to show what had really been done by the present Ministers since they had been in office. The House might remember, that just before the present Ministers came into office, the right hon. Baronet, then member for Cumberland (Sir James Graham), moved for a return of the number of persons holding offices, who were then in the receipt of salaries or emoluments of above 1,000*l.* a-year; and last Session a paper was laid upon the Table of the House which showed how those persons had been affected by the reductions made during the time the present Ministers had been in power. It would appear from these returns, that Ministers, to use the metaphor of the right hon. Baronet, had not aimed at the small birds, whilst they suffered the great birds of prey to escape. Perhaps it would be satisfactory to the right hon. Gentleman to compare what had been done in the way of reduction during the time he was in office, and during the time that the present Government had been in power. He found, that in 1828, 1829, 1830, when the right hon. Gentleman was in office, the number of offices abolished was 909, and that the salaries and emoluments attached to them amounted to 136,177*l.* During the three years in which the present Ministers held office, the number of offices abolished amounted to 1,858, having salaries attached to them amounting to 259,230*l.* To put the matter in a clearer light, he might state, that during the former period, the average annual reduction was 35,392*l.*, and during the latter it was 86,400*l.* In the former period, also the average annual reduction of offices was 303, and in the latter 450. Lest the right hon. Gentleman, with that candour which characterized his whole speech, should insinuate that Ministers had aimed at the small birds, whilst they had allowed the great ones to escape, he would state that, comparing the two periods again, the average annual amount of the salaries of the offices abolished in the former was 117*l.*, and in the latter 190*l.* The right hon. Gentleman had made no attack upon Government with respect to the years 1831 and 1832, but had confined all his remarks to 1833. He did not mean to say, that the right hon. Gentleman had actually stated, that in the last year, the Government was less attentive to the public interests than in the other two years; but, from the whole tenour of the speech, that was the impression which must have been produced on the minds of his hearers. He would, therefore, state the reductions which had been made in the department of stamps and taxes, with which he was better acquainted than any other. The average annual reduction in this office in the years 1831, 1832, and 1833, was 17,242*l.*, and in the last six months, since the termination of 1833, it was 13,037*l.*; being not much below the average annual reduction during the three preceding years.

Mr. *Hume* expressed his surprise, that Ministers should be at all angry with the right hon. Gentleman for bringing this subject forward. For his part, he approved of the course which the right hon. Gentleman had pursued, and entertained hopes that after he had been two or three years in opposition he would become quite a reformer. It was a true observation, "When rogues fall out, honest men get their own," and so when Whigs and Tories quarrelled, one party being in office, and the other out, it was sure to tend to the public advantage. The hon. Member, after expressing an opinion that returns of all temporary offices ought to be laid before Parliament, observed, that in the papers upon the Table, he saw no mention of Mr. Macaulay's appointment in India, which he considered a most abominable one—he meant as regarded the salary of 10,000*l.* a-year.

Sir *Robert Peel* thought, that his right hon. friend was perfectly justified in calling public attention to this subject. No person who saw from the papers upon the Table that seventy-four clerks, and thirty-two assistant barristers had been appointed for the purpose of superintending the distribution of a million of money could have avoided feeling that it was a fit subject for inquiry. Here were seventy-four clerks with salaries of 100*l.* a-year, and thirty-two assistant barristers, together with forty others having salaries of five guineas a day, to superintend the distribution of 1,000,000*l.*! Was not this a circumstance which required explanation, and would it not have been a positive neglect of duty if, after having moved for the papers which furnished the information of the fact, his right hon. friend had not called the attention of the House to the subject? His right hon. friend, the Secretary for Ireland, had stated, that though from the arrangement which had been made to facilitate the settlement of the claims arising out of the grant, a large expenditure was taking place at the present moment, it was not greater than was absolutely necessary, nor than must ultimately have been made. For his own part, he thought that the business might have been transacted by the establishment in Dublin, aided by a few additional clerks; but if the public would be subjected to no greater charge one way than another, and if the persons who held temporary appointments would not be allowed to put forward any claim to subsequent remuneration on that account, he did not object to the proceeding. It was fitting, that Government should have had an opportunity of offering an explanation; and he was never more surprised than he had been that evening at witnessing the dissatisfaction evinced by a reformed House of Commons, not because gross and corrupt appointments had taken place, but because one of its Members felt it his duty to call for an explanation of a circumstance which wore a character of suspicion. There was nothing in the course which his right hon. friend had pursued as Chancellor of the Exchequer which made it inconsistent in him to urge economy upon the Government. Whilst his right hon. friend was in office, he established a progressive system of economy; and had he remained in power, the system which he commenced he would have continued. As to reductions, it was notorious that they had been carried to a great extent by the Governments which preceded the present. Indeed he had heard more than one of the present Ministers declare, that they were only gleaners in the field which vigorous hands had reaped before them. A word with respect to Commissions. He perfectly concurred with his right hon. friend in thinking it was necessary that the attention of the House should be steadily directed towards them. He did not believe, that they were appointed from corrupt motives, but it could not be denied, that they had thrown great patronage into the hands of the Government. That was a fact. It was true, that many of the Commissions had originated with Committees of the House, as happened the other day with respect to a Committee of which he was Chairman, and which recommended the appointment of a Commission to inquire into the salaries of officers connected with the local Administration of Justice. He could not agree with the hon. Member opposite, that appointments which were of a temporary nature were not valuable. He hoped that the hon. member for Tiverton would persevere in the Motion of which he had given notice for next Session, relative to the practice of appointing Commissions. No doubt that in some cases—for instance, where local inquiries were necessary—the appointment of Commissioners was desirable; but it was so easy to appoint Commissioners to prosecute inquiries which the Members of that House ought to perform themselves, and without doing which they could not satisfactorily discuss the measures founded upon them, that the practice of having recourse to Commissions ought to be regarded with the utmost jealousy. He apprehended that the appointment of Commissioners offered a temptation to Members to escape from the discharge of onerous duties. If it were true, that 104 offices had been bestowed upon gentlemen at the bar in one year, it was impossible to deny that the Government must be able to exercise considerable influence over the profession from which they were selected. So far from being induced to blame his right hon. friend for the course which he had pursued upon this occasion, if he were a member of the Government, he would have thanked his right hon. friend for affording them an opportunity for explanation on the subject to which he had directed attention, while, as a Member of the House, he participated in the justifiable and natural jealousy which his right hon. friend felt.

Mr. Secretary *Rice* thought, that Government had no right to complain of the result of the present discussion, whatever might be thought of the tone of the speech in which it had originated. The inference which was to be drawn from the observations of the right hon. Gentleman (Mr. Goulburn) was, that the conduct of Government was characterized by disingenuousness and mystification; but the clear and satisfactory statement of his hon. friend (Mr. F. Baring) had set the House right upon that point. With respect to the appointment of Commissions, the House should recollect that the practice had been pursued by former Administrations. It appeared from a return laid upon the Table in 1827, that from 1807 to 1829, no less a sum than 956,885*l.* had been expended on Commissions. In one year alone, during this period, 89,000*l.* were granted for the expense of Commissions. The right hon. Gentleman contended, that Commissions were of the greatest use for the purpose of collecting information upon which the House could legislate, and said that they never could have discussed the Poor-law Amendment Bill without having the reports of the Commissioners before them. With respect to Mr. Macaulay's salary, it was fixed by Act of Parliament.

Mr. *Sheil* said, as Mr. Macaulay's salary was fixed by Act of Parliament, it might be reduced by the same authority. He believed, that the Irish Corporation Commission had been very properly appointed, but although that Commission had completed its labours, no report whatever had yet been produced. As to the Irish Church Commission, if an efficient Tithe Bill had been introduced by the noble Lord in 1832, the million of money which had been voted to the clergy, and all the expenses of its distribution, would have been saved to the country. He regretted, however, that economy had been too much attended to in the arrangements regarding the Public Instruction Commission; indeed, it was impossible, unless some addition were made to its numbers, that it should be at all effectual. He wished to know whether it was in contemplation to augment that Commission?

Mr. *Littleton* said, the subject was under the consideration of Government, and he had every reason to think, that the number of Commissioners would be increased.

Mr. *Grote* expressed his approbation of the course which Government had pursued in the appointment of various Commissions. Economy no doubt should be attended to; but there was no portion of the expenditure of the country to which he felt so little objection as that employed in obtaining the most useful and valuable information communicated to the public by means of these Commissions of Inquiry. The hon. Member particularly alluded to the various law Commissions, but more especially to the Poor-law Commission, which contained so much important and excellent information. He did not coincide with the right hon. Secretary with regard to the salary given to Mr. Macaulay, which, with all his admiration for that excellent and most gifted individual, he could not but consider extravagant.

Mr. *Cobbett* altogether disagreed with the hon. Gentleman who had just sat down as to the propriety of appointing so many Commissions. If it were necessary before Parliament legislated on any subject, to have a Commission appointed, deliberation would very soon be altogether superseded. The Ministers selected the Commissioners who thought with them on the particular subject in question, and in making their report very good care was taken, that it should not be disagreeable to their employers. It was impossible to deny that great disadvantage was felt in reference to the Poor-laws in consequence of the manner in which the Reports had been got up and submitted to Parliament. It had been said, that the Report contained the deliberate, well-studied, and clear made-up opinions of the Commissioners, and that no equal to it had ever issued from the Press. He believed that was correct. Its match never had issued, and he hoped never would issue from the Press. But the fact was, the House had passed the Bill without even having read the Reports. These voluminous Reports which they had prepared, and the expense of printing which amounted to 60,000*l.*, had not been laid on the Table till after the Bill had been read a second time, and part of them not till after it had gone through Committee. There were some parts of those Reports which he was quite sure the noble Lord (Lord Althorp) had never himself read, he repeated he was sure the noble Lord had never read them, because one volume contained no fewer than seventy distinct libels upon him (Mr. Cobbett) personally; and if the noble Lord had read them, no doubt he would have taken care that an hon. Member of that House should not have been so improperly alluded to. Something, he thought, ought to be done in order to prevent his Majesty's subjects from being libelled in the grossest manner through the papers ordered to be printed by that House. Lord Kenyon, he believed, had laid it down as a rule that nothing should be deemed a libel which was contained in any publication or republication of what was printed under the order of the Houses of Parliament. He could not, for example, indict any one, he could not indict the noble Lord (Lord Althorp), without the sanction of the House. The Beer Bill Reports of last year contained gross libels on many individuals. He recollected that in one instance they held up a woman as an adultress, and a man as an adulterer, giving both names and their place of residence. That he thought was most improper. The Committee on petitions, he was glad to observe, had been in the habit of pursuing a very different course, taking care where there was libellous matter in petitions, that all names should be omitted. As to the Report on the Poor-laws, he thought it his duty to say, that of 1717 Magistrates, only 159 agreed with the Commissioners in the opinions which they had stated. The Commission altogether had been a hired falsehood-retailing body of men, and their production was full of lies from beginning to end.

Mr. *Shaw* said, he had opposed from the very first the grant of 1,000,000*l.*, to the Irish clergy, because he was sure it would ultimately do more harm than good. That grant had been occasioned, not by the difficulty of collecting tithes, but in consequence of the noble Lord's own declaration at the beginning of last Session, and Government finding themselves placed in a difficult situation, could not extricate themselves except by putting their hands into the public purse. They had now been shifting, juggling, and trifling with respect to the Tithe Bill, but no effectual step had yet been taken towards its satisfactory adjustment, and he very much feared they were now about to adopt the same vulgar means of getting out of their difficulties. He hoped, if a proposition to that effect were brought forward, the House would at once resist it.

The *Attorney General* stated, in answer to an observation made by the hon. member for Oldham, that Lord Kenyon had never laid down the law as had been stated; he merely refused to interfere by way of criminal information, leaving the parties open to adopt any other mode of proceeding, civil or criminal.

The House resolved itself into a Committee of Ways and Means.

THE BUDGET.] Lord *Althorp* rose to lay before the Committee not merely the general state of the finances of the country, but also the prospects of improvement which he thought he might fairly anticipate, and the means by which he expected to arrive at that favourable result. He was unwilling to detain them by any general preliminary remarks, and would therefore at once proceed to the question, referring only as he proceeded to such facts and principles as might be necessary to explain and vindicate the financial propositions which he should have to bring under the consideration of the Committee. He would begin by stating what was the amount of the income and comparative expenditure of the year ending the 5th of July.

	£
The receipt of the year ending 5th of July, 1834, amounted to - -	46,914,586
And the expenditure to - - -	44,737,556
leaving a surplus of income over expenditure of - - -	2,177,030

The Committee would be aware, that this gave a statement of a surplus of income over the expenditure larger than any he had ever before had the satisfaction of announcing. Comparing that with the similar period of last year.

	£
The surplus of income over expenditure, in the year ending the 5th of July, 1833, was	1,501,933
And, as he had stated, the surplus up to the 5th of July, 1834, amounted to	2,177,030
The improvement in the surplus during the present year had been	675,000
The receipts of this year were	46,914,586
And the receipts of last year	46,895,007

So that, if anything, the receipts of the present year had increased beyond the receipts of last year, notwithstanding, as was well known during this period a reduction of taxation had taken place to the amount of 1,500,000*l.* The other part of the improvement depended on a diminution of the expenditure, which had been effected to the extent of 650,000*l.* He confessed he regarded this as a most satisfactory statement to make as regarded the finances of the country, because it proved beyond the possibility of doubt that there was an elasticity in the system, which, notwithstanding large reductions in taxation, preserved the revenue of the State undiminished in its amount. Having made this comparative statement of the previous and present condition of the revenue, he would next apply himself to the question,—what they had to provide for during this year? The charge on the Consolidated Fund during the present year ending April, 1835, was estimated at 30,500,000*l.* The supplies had all been voted, except part of the miscellaneous estimates, and amounted to—

	£
For the army	6,497,903
Navy	4,578,009
Ordnance	1,166,914
Miscellaneous	2,228,387
	£
Making in the whole	14,471,213
What they had therefore to provide for was:—	
For the Consolidated Fund	30,500,000
And for Supplies	14,471,213
	£
Making a total of	44,971,213
The supplies for 1834 were	14,620,487
For 1835	14,471,213
	£
exhibiting a diminution in supplies for 1835 of	149,274

Now, probably, the Committee would recollect, that when he had made a summary financial statement at the commencement of the Session, he had mentioned his expectation that there would be a diminution in the votes of supply, which would amount to 500,000*l.*; it was necessary, therefore, that he should here enter into some explanation, in order to account for there being now an actual diminution of no more than 149,274*l.* This was to be accounted for by certain sums having arisen which could not at that time be taken into the account, and a considerable portion of which had not then been even contemplated. The first payment to which he referred was 125,000*l.* to the East India Company, and which occurred, it would be recollected, in consequence of an arrangement made under an Act passed during the last Session of Parliament. The next item arose in consequence of the expenses of governing the island of St. Helena being taken into the hands of Government. The scale, he regretted to say, this year was necessarily that of the East India Company; it amounted to no less a sum than 99,000*l.*, which he could not but consider a most extravagant charge; but he was ready to pledge himself, from what he knew of his right hon. friend (Mr. Spring Rice), that next year its expense would be reduced to a much more economical scale. The Committee would also recollect, that a sum of 60,000*l.* had been voted as a gratuity to those who had been engaged in the battle of Navarino, and 20,000*l.* had been proposed for the purpose of making an experiment, in order to facilitate steam navigation to China. Besides all this, there was a vote of 100,000*l.* which had very properly been proposed by his right hon. friend the late First Lord of the Admiralty for pay to the navy immediately, anticipating, instead of deferring the payment for a considerable period. In addition to this, there would be two estimates of a small amount, which would be laid on the table of the House within a very few days—one of 1,300*l.* for the purchase of some fossil remains for the British Museum, and the other of 7,000*l.* for the establishment of a prison at Dartmouth, in order to make some experiments in connexion with the important subject of secondary punishments. Those items, in the whole, amounted to 412,310*l.*, which the Committee would perceive more than accounted for the difference in what he had stated would probably be the diminution in supplies for the present, as compared with the last year [An *Hon. Member:* The grant to Captain Ross.] That was included in the miscellaneous estimates; it was no additional separate charge. [" The Danish claims."] The Danish claims could not be voted this year; they must, first of all, be properly investigated. [" The vote in favour of the Poles."] That was also included in the miscellaneous estimates. He hoped the Committee would take this as a pretty substantial proof that he was rather disposed to understate than to magnify the diminution in expenditure which had actually taken place. He had gone into those details for the purpose of showing that he had not made, on the occasion alluded to, so extravagantly erroneous an estimate, when he mentioned the probable saving of 500,000*l.*; in point of fact, it would have been, but for the payments he had alluded to, 661,584*l.* The charge they had to provide for, then, was 44,971,213*l.* He would state the probable amount of the income as if no alterations had been made. He saw no reason to expect that a diminution of taxation would occasion any falling off in the revenue, and, therefore, he might state the amount to meet the charge, (taking the year ending April 5), to be 46,914,586*l.*, which would leave a balance, consequently, of 1,943,600*l.* The charge last year was 44,920,000*l.*, and the expenditure 44,646,620*l.*, so that there was a saving, up to the 5th of April, of 273,380*l.* on the estimates; and when he compared the income of last year with the estimates and charge, it reduced the surplus to 1,913,600*l.* But then there would be great alterations this year; for, besides the great reduction there would be in taxation, a large sum must be provided for, as an increase of expenditure during the year. Thus there was the interest of the money to be granted to the West-India proprietors, which might be calculated at 750,000*l.* It would not require to be paid till next spring; the first portion of it could not be called for before April; but the Committee were probably aware that, as the money was to bear interest from the first of August next, they were bound to provide for it in the expenditure of the year. This would raise the charge to 45,721,000*l.*; so that, as compared with the income of last year, the amount of the surplus would be only 1,200,000*l.* To this, however, there would be added 120,000*l.*, to be received from the Bank of England, and 50,000*l.*, which would be the amount saved by the reduction of the Four-per-Cents. There was another item which was also to be taken into consideration. He might be told, that he was calculating on that of which he had no experience, and that, therefore, he was liable to make mistakes. On a former occasion, however, he thought he had considerably overrated the difficulty — he alluded to the increased revenue to be derived from the new duties on tea, which, after the best information he could obtain, and after much reflection on the matter, he calculated would amount to 250,000*l.* He felt confident that, under the new system, the vast competition which must exist would reduce the price of tea; and he had every reason, at the same time, to believe would increase the consumption of that article. With that view of the case, he certainly did not think that he was much overrating what would be the increase in that particular department, when he rated it at 250,000*l.* Deducting these sums from the charge, the surplus would be increased to 1,620,000*l.*, as follows:—

Original surplus . . .	1.200,000
Bank	120,000
Four-per-Cents . . .	50,000
Tea	250,000
Surplus . .	£1,620,000

It might here be proper for him to state, with reference to the sum to be received from the Bank, that though he had not entirely, he should rather say, formally, concluded any arrangement with the Bank of England for the re-payment of one-fourth of their capital, which must be paid before the 5th October next, yet it was in so forward a state of progress, that he thought the effect of it would be not to reduce the surplus more than 1,200*l.* a-year. He now wished to call the attention of the House to the consideration of some particular duties. During the course of this Session and the last, great complaints had been made of the increase in the consumption of spirits, and in the number of persons habitually drinking raw spirits, as well as the great increase of shops and establishments splendidly furnished for the purpose of selling spirits. He regretted the evil; but it was not his intention to propose any increase in the duties on spirits. Any Gentleman who had attended to questions of finance, must well know, that increasing the duty on spirits would do no good whatever either in the shape of increasing the revenue or of diminishing their consumption. He was not one of that school who imagined they could produce morality by taxation. But when it was practicable, when a case presented itself to him in which an increase might be made to the revenue without, at the same time, increasing immorality, that was a case on which he might most justifiably act. It was perfectly well known, for the knowledge was the result of many experiments on the subject, that increase of duty on spirits was not always calculated to produce an increase of revenue; as that increase operated powerfully in the encouragement of illicit distillation and smuggling. But with respect to the duty on licenses for the sale of spirits, he believed that the House would agree with him, that those licenses would bear an increase of duty, which increase of duty would not be liable to be attended by the same results as an increase in the duty on spirits themselves. What was the state of the law at present with respect to the duty on these licenses? There were three classes of those duties; the first class was that of wholesale dealers not allowed to sell less than two gallons, or to sell it for consumption on the premises; the second class was that of the retailers depending on Magistrates' licenses, and varying according to value of house from two guineas to ten guineas; the third class, which was peculiar to Ireland, consisted of licenses to persons previously licensed to sell groceries. He did not mean to touch either the first or the last of those classes, as he did not think that either of them could well bear an increase of duty. But on the third class, consisting of retail spirit dealers, an additional duty might, he was persuaded, be levied without disadvantage, if not, indeed, with great benefit to the public. If the effect of such an increase in the duty on spirit licenses of retail dealers were to reduce the number of public-houses, which he scarcely thought would be the case, the diminution of revenue thereby occasioned would be amply compensated by public advantages of another description. After some consideration, it appeared to him that licenses for the retailing of spirits in England would well bear an increase of fifty per cent. The effect of this additional duty would be to increase the revenue by 160,000*l.*; the amount of revenue derived from the duty on retail spirit licenses being, at present, 335,344*l.*, viz.:—

No. of Licenses,	38,500	At £2	2	£80,849
Do.	26,205	4	4	110,061
Do.	3,700	6	6	23,309
Do.	2,154	7	7	15,831
Do.	3,879	8	8	32,583
Do.	2,472	9	9	23,361
Do.	4,700	10	10	49,350
	81,610			£335,344

It was also his intention to propose another alteration of duty on licenses, in which he hoped, that he should again meet with the concurrence of the House. He meant to propose making a difference in the duty on the licenses to those beer-houses in which the beer was drunk on the premises, and the duty on the licenses to those beer-houses in which the beer was not drunk on the premises. At present the duty on licenses to all beer-houses was two guineas. It was his intention to raise the duty on licenses to those beer-houses in which the beer was drunk on the premises to three guineas, and to reduce the duty on licenses to those beer-houses in which the beer was not drunk on the premises to one guinea. The number of licenses granted to beer-shops was at present 34,976, producing a revenue of 73,450*l.* From the change which he had stated he meant to propose in the duty on these licenses, he expected that the revenue would derive an increase of 35,000*l.*; it being highly probable that the reduction of the duty to one guinea on the licenses for selling beer not to be drunk on the premises, would induce many persons to take out licenses of that description; while, on the other hand, the increase of the guinea in the duty on licenses for selling beer to be drunk on the premises was not likely very much to diminish the number of licenses issued for that purpose. The effect of the propositions which he had stated, namely, the increase of the duty on the licenses for retailing spirits, and the variation of the duty on the licenses for selling beer would be according to his calculation to increase the surplus revenue to 1,815,000*l.*, viz.

Present surplus - - - -	£.1,620,000
Spirits - - - - - - -	160,000
Beer - - - - - - -	35,000
	£.1,815,000

He next came to speak of the reductions of taxation, which he had already proposed, and of those which he was about to propose. The first, and by much the largest of these, was the reduction which he had already proposed of the House-tax, amounting to 1,200,000*l.* There was then the measure known by the name of the Customs' Bill, which had been brought in by his right hon. friend, the President of the Board of Trade, and which contained a number of reductions of duty on various imported articles, chiefly used in our manufactures, into the details of which it was unnecessary for him then to enter; but the whole amount of which he might state at about 200,000*l.* The revenue arising from the duty on starch had fallen off very considerably, for although it was an article in considerable use in our manufactures, yet the duty was subject to very considerable drawbacks, and a quantity of potato starch, which was not subject to duty, was made, and answered all the purposes of the genuine starch. By relinquishing the duty on starch, which it was his intention to propose, the revenue would lose about 75,000*l.* Another duty which he meant to repeal was, the duty on stone-bottles and sweets, the produce of which was 6,000*l.* He came next to the assessed-taxes. The duties which he proposed to repeal were as follows, viz. :—

	Rate of Duty			Estimated Loss by Repeal.
	£.	*s.*	*d.*	£.
On windows in farm-houses, occupied by tenants under 200*l.* a-year, or by owners under 100*l.* a-year, and not having an income exceeding 100*l.* a-year from any other source - - - - - -				35,000
On husbandry horses, used occasionally for riding, or drawing untaxed carriages, by tenants of farms under 500*l.* a-year, or owners being the occupiers of farms under 250*l.* a-year, and not having an income exceeding 100*l.* a-year from any other source. The present exemption only extends to farmers exceeding 200*l.* a-year, and having no other source of income but their farms - - -	1	8	9	10,000
On husbandry horses, used occasionally for other purposes, or let occasionally to hire. Husbandry horses are exempt, but are liable to a duty of 10*s.* 6*d.*, if used in drawing coal, gravel, &c.; or if occasionally let for hire - - -	0	10	6	2,000
On horses used by bailiffs, shepherds, or herdsmen - - -	1	8	9	2,000
On shepherds and herdsmen's dogs - - - - - - -	0	8	0	3,000
On male servants, under eighteen years of age, provided they have a legal settlement in the parish where hired -	1	4	0	20,000
On one riding-horse, kept by clergymen, or Dissenting or Catholic ministers, whose incomes are under 120*l.* per annum. At present the exemption is confined to clergymen of the Established Church, with an income not exceeding 60*l.* - - - - -	1	8	9	3,000
The Bachelors'-duty (additional 20*s.*) on male servants kept by Roman Catholic clergymen - - - - - - -	1	0	0	100
On post-horses used occasionsionally by licensed postmasters in husbandry, and for drawing manure, fuel, &c. An innkeeper is liable to a duty of 10*s.* 6*d.* if he use a post-horse occasionally in drawing coals, hay, or corn, for his own use - - - - -	0	10	6	
				75,100

Another reduction which he intended to propose, was not comprehended in assessed-taxes, but belonged to the Stamp-duties. It was a small duty, but it was one which produced a great deal of irritation and violation of the law. He alluded to the duty on almanacks, which in England was 1*s.* 3*d.* each, and in Ireland 9*d.* and 6*d.* each, producing a revenue of 25,000*l.* The whole amount of taxation which he proposed to reduce would be 1,581,000*l.* viz.:—

House Tax - - -	£.1,200,000
Customs Bill - - -	200,000
Starch - - - - -	75,000
Stone bottles and sweets -	6,000
Assessed Taxes - -	75,000
Almanacks - - -	25,000
	£.1,581,000

He had already stated, that the present surplus, with the addition of the increased revenue from the augmented duty on spirit and beer licenses, was 1,815,000*l.* Deducting from that sum the whole amount of taxes reduced, viz. 1,581,000*l.*, the effect would be to leave a surplus of 235,000*l.* He had, however, stated this account in a most unfavourable manner for himself. He had included in the charge 400,000*l.*, which was applicable to the present year only; and, therefore, if he stated, as the result of the permanent balance, that it would leave a surplus of 600,000*l.*, he believed he should understate its amount. But looking to the present year only, there would be saved nearly half the interest on the West-India grant, say 350,000*l.*, and there would only be to be deducted from the receipts half the House-tax, or 600,000*l.*, making together 950,000*l.* The balance, therefore, to be calculated upon for the present year amounted to 1,185,000*l.* With this surplus the country was, he thought, in a state to try the experiment whether, in one important article of revenue, we might not venture on a certain reduction of duty, with a fair expectation, that such reduction, by increasing the quantity produced of the article to which that duty referred, might eventually augment instead of diminish the public income. He had already stated, that however desirable it might be to make spirits an article of taxation, there was great danger that the effect of so doing would be to increase illicit distillation, and to give encouragement to smuggling. This was a fact which the history of the duty on spirits proved in a most instructive manner. He would briefly state to the House the effect which had, at various times, been produced by changes in the duty on spirits in England, in Scotland, and in Ireland, separately, in order that they might be better able to judge whether the proposition, which it was his intention to submit to them on the subject, deserved their approbation. The rate of duty on spirits for home consumption in England, previous to the year 1827, was 11*s.* 9¼*d.* the imperial gallon. The average quantity of spirits brought to charge during the last three years of the old law was 3,959,990 gallons. The duty was then reduced to 7*s.* 6*d.* the imperial gallon; and, in the year immediately following, the quantity of spirits brought to charge rose to 7,407,204 gallons. In the subsequent years, the duty remaining at 7*s.* 6*d.* the imperial gallon, the quantity of spirits brought to charge was as follows, viz:—

In 1828 . . .	6,671,562
1829 . . .	7,759,687
1830 . . .	7,700,766
1831 . . .	7,732,101
1832 . . .	7,434,047
1833 . . .	7,281,900
1834 . . .	7,717,303

It thus appeared, that the effect of lowering the duty in England had been to double the quantity of spirits brought to charge. In Scotland, previously to the year 1825, the rate of duty on spirits for home consumption was 6*s.* 2*d.* the imperial gallon. The average quantity of spirits brought to charge in Scotland, in the three last years of the old law, was 2,158,200 imperial gallons. The duty was reduced to 2*s.* 4¾*d.* a gallon. The consequence was that, in the year ending 5th January, 1825, the quantity of spirits brought to charge rose to 4,334,222 gallons, and in the year 1826 to 5,980,941 gallons. In the year 1827, the duty was increased from 2*s.* 4¾*d.* to 2*s.* 10*d.*, and the consequence was, that the quantity of spirits brought to charge in that year fell from 5,980,941 gallons to 3,988,788 gallons; thus showing the extraordinary influence of an augmentation of duty. In 1828 the amount brought to charge recovered a little, it being 4,752,136 gallons. In 1829, it was 5,695,743 gallons. In 1830, it was 5,756,951 gallons. In 1831, during the latter part of which year the duty was increased from 2*s.* 10*d.*, to 3*s.* 4*d*, the amount brought to charge was 5,992,421 gallons. The duty remained at 3*s.* 4*d.*, and the amount of spirits brought to charge in Scotland in the subsequent years was as follows, viz.:—

	Gals.	*s.*	*d.*
1832..	5,691,096..	3	4
1833..	5,401,651..	3	4
1834..	5,982,920..	3	4
Year ending 5th April, 1834..	6,112,659..	3	4
Half-year ending 5th April, 1834..	3,257,856..	3	4

He had stated these details in order to prove that the quantity of spirits brought to charge in Scotland had gradually increased up to the present time, and that there was every indication that it would go on increasing. He now came to Ireland; and here the effect that had been produced by the alterations which had taken place in the rate of duty on spirits was very remarkable. Previous to the year 1825, the rate of duty on spirits in Ireland for home consumption was 5*s.* 7¼*d.* the imperial gallon. The average amount of the quantity of spirits brought to charge in Ireland during the last three years of the old Distillery-law was 3,173,948 gallons. When the duty was reduced to 2*s.* 4¾*d.* a gallon, the quantity of spirits brought to charge in the year ending 5th January, 1825, rose to 6,690,313 gallons. In 1826 it rose still further, to 9,262,742 gallons. In 1827, the duty was increased to 2*s.* 10*d.*, and the quantity of spirits brought to charge immediately fell to 6,834,866 gallons. In the year 1828, the quantity was 8,260,663 gallons; in 1829, the quantity was 9,937,633 gallons; and in 1830, the quantity was 9,212,222 gallons. The duty was then raised to 3*s.* 4*d.* a gallon, and the consequence was, that the amount of spirits brought to charge in Ireland fell, in 1831, to 8,981,595 gallons; in 1832, to 8,635,081 gallons; in 1833, to 8,594,331 gallons; and, in 1834, to 8,136,281 gallons. From this it appeared that, since the increase of duty to 3*s.* 4*d.* a gallon, the quantity of spirits brought to charge in Ireland had been gradually diminishing. But although the quantity of spirits brought to charge in Ireland amounted at present to little more than 8,000,000 of gallons, there was no doubt whatever that the quantity of spirits actually consumed in Ireland amounted to from 12,000,000 to 14,000,000 annually. Such being the case, his Majesty's Government had felt it their duty to take the subject into their serious consideration, with a view to ascertain whether it might not be advisable, by a diminution of the duty, to prevent illicit distillation, and, at the same time, not to expose the revenue to the danger of much loss. It was clear that, in Ireland, the effect of the duty of 3*s.* 4*d.* had been the continual diminution in the quantity of spirits brought to charge; proving, together with the increase of illicit distillation, that the taxation of spirits had considerably passed the limit of productiveness. Under these circumstances it had been thought right, in this year, when there was a large surplus revenue which would allow the experiment to be made, to propose a considerable reduction in the duty on spirits for home consumption in Ireland. He felt confident that, by reducing the duty to the amount of 1*s.*—that was, by reducing it from 3*s.* 4*d.* a gallon to 2*s.* 4*d.* a gallon, very advantageous results would be obtained. The effect which he anticipated from the reduction of duty was, that the amount of spirits brought to charge in Ireland would rise at once from 8,000,000 to 10,000,000 of gallons. If so, the loss to the revenue, in the present year, would not exceed 200,000*l.*; and he was confident, that the increase of spirits brought to charge in Ireland, in future years, in consequence of the reduction of duty, would be such, that the revenue would suffer no diminution whatever. This was what he contemplated in an earlier part of this Session, when he stated to the hon. and learned member for Dublin, that he hoped to be able to bring forward a measure which might diminish the taxation in Ireland, without material injury to our financial condition. He was aware it might be objected to the present proposition that there would be an obvious inconvenience in making so marked a difference between the spirit duties of Scotland and Ireland, and that the consequence might be extensive smuggling. All he had to say in reply to that was this, that if a serious extent of smuggling was found to prevail, Government would have recourse to all the means within its power to prevent practices so injurious to our commerce and to the morals of the country, and if the ordinary means at the disposal of the Executive were not found sufficient for such a purpose, no doubt an assimilation of the duties would be rendered necessary. At the same time, he felt bound to acknowledge that he should have recourse to such an arrangement with the greatest reluctance, for he apprehended that its immediate operation would be to produce a very serious amount of smuggling over the border. On these points he acknowledged it would not be in his power to speak definitively as regarded future years, but for the present he had, after the maturest consideration, resolved to establish a difference between the spirit duties of Scotland and Ireland; and he was the more strengthened in this resolution, when he recollected that it would require him to relinquish 440,000*l.* per annum before he could bring both duties to a condition of equality. It was evident, also, from the statement which he had already made, that under the present rate of duty, the quantity of spirits brought to charge in Scotland was annually increasing, while, under the present rate of duty, the quantity of spirits brought to charge in Ireland was annually diminishing. He was justified, therefore, in applying to Ireland a measure which he should not be justified in applying to Scotland. Having n w laid this statement before the House, it only remained for him to advert again to the small surplus which he permitted to remain — a surplus little more than 200,000*l.* No man was more ready to acknowledge than himself how extremely small such a surplus was, considering the pressing exigencies to which a great empire like this must occasionally be subject, and he should regard it as wholly inadequate if he did not entertain the greatest confidence in the elasticity of the resources of the country. If he were increasing taxation instead of diminishing it, it might be dangerous to leave so small a sum as that which he had mentioned; but as it was, he did not apprehend any danger whatever. Let the balance-sheet of 1831 be compared with the balance of July, 1834, they were as follows, viz:—

January, 1831.—Receipts	-	£50,056,616
Payments	-	47,142,943
		£2,913,673
July, 1834.—Receipts	-	£46,914,586
Payments	-	44,737,556
		£2,177,030

The present surplus, therefore, was only 740,000*l.* less than it was in 1831; but the amount of taxes reduced in the interval had been exclusively of those which he now proposed to reduce, upwards of 6,300,000*l.* The reduction of the income had been only 3,000,000*l.*; the reduction of the expenditure had been 2,405,387*l.* When he looked at the official value of the exports from the United Kingdom for the three years 1828, 1829, and 1830, and compared them with those for the three years 1831, 1832, and 1833, he saw no reason to apprehend any danger on the score of diminished commerce. The return was as follows, viz.—

Years.	Produce of the United Kingdom.	Foreign and Colonial Merchandise.	Total Exports.
	£	£.	£.
1828	52,797,000	9,946,000	62,744,000
1829	56,213,000	10,622,000	66,835,000
1830	61,140,000	8,550,000	69,691,000
	3)170,150,000	3)29,118,000	3)199,270,000
Average ..	56,716,000	9,706,000	66,423,000
1831	60,683,000	10,745,000	71,429,000
1832	65,926,000	11,044,000	76,071,000
1833	69,989,000	9,833,000	79,823,000
	3)195,698,000	3)31,622,000	3)227,323,000
Average ..	65,232,000	10,540,000	75,774,000
Increase on the average of the last three years as compared withtheformer three years ..	8,516,000	834,000	9,351,000

He felt, therefore, that he had a right to express confidence in the increasing commercial prosperity of the country. At the same time he admitted, that a great commercial country was liable to fluctuations, which it was not always possible to anticipate, and that he should be wrong, therefore, if he himself entertained, or if he attempted to inspire the House with too sanguine expectations on the subject. Yet it would be difficult to refer to any very recent period of our history in which favourable anticipations could be more reasonably indulged, although, certainly, he must be considered a bold man who would presume to foretell that the prosperity in trade which now existed must continue long enough to complete the financial changes which he had just been developing to the House. At least, however, he was warranted in affirming that a more favourable opportunity for attempting reductions could scarcely be expected. Having brought his observations nearly to a close, he should just for a moment touch upon a great measure adopted by Parliament in the course of last year, and by which our financial condition would be materially affected both in the present and in future years—he alluded to the loan of 20,000,000*l.* for the compensation of the West-India proprietors. It certainly must be considered a remarkable feature of the present year that provision would be made for payment of the interest of the money raised for that purpose, notwithstanding a considerable reduction in the amount of taxation, and notwithstanding the relief granted in a great variety of modes to the domestic trade, to the commerce of the country, and to the working classes. He repeated, that it would be all effected, notwithstanding the reduction of taxes. He could not in that place help observing, that the Act of the House by which they made provision for compensating the West-India proprietors must have been regarded throughout Europe with great surprise, and in fact it had excited amongst foreign nations sentiments of the strongest admiration at the justice and the charity which so nobly dictated such a sacrifice. It was an advance which only the greater nations of the continent could make or would think of making, even in circumstances of such extreme emergency as involved the national existence, and it added not a little to the astonishment and admiration which such an act was calculated to inspire, that it had been effected not only without breach of faith towards the parties interested, not only without imposing additional burthens upon the people, but in conjunction with a diminution of those burthens. The fact was calculated not only to excite such sentiments as he had described, but must be highly gratifying to their feelings as Englishmen, especially when they remembered that the object thus accomplished was so great and beneficent. The noble Lord concluded by moving the following Resolution:—

"Resolved, That towards raising the Supply granted to his Majesty the sum of 14,384,700*l.* be raised by Exchequer Bills for the service of the year 1834."

Mr. *Baring* would not trouble the House with many observations, for there was not much of novelty in the statements of the noble Lord. As to the reductions of duty which the noble Lord had announced his intention of proposing, the only one which was of much importance was the reduction of the duty on spirits in Ireland. With respect to the general principles on which the financial system of the country was at present carried on, which was the most important part of the business, it was well known, that he materially differed from the noble Lord. He would not, however, repeat the opinions which he had expressed on that subject, knowing that they were unpopular in that House; but would merely observe, that it was mighty easy for a Finance Minister, year after year, to propose a reduction of taxation, and to talk of the buoyancy and elasticity of our finance system, and then to leave the country to all the chances of distress which might arise from some sudden and unexpected fluctuation. When the noble Lord said, that his predecessors in office left a large surplus or a larger margin, as it was termed, than he, all that the noble Lord did was to show that he was prepared to purchase popularity at a risk which other Finance Ministers, who, as public men, were more conscientious and scrupulous than the noble Lord, would not venture to incur. The noble Lord said, that he had a surplus of about 400,000*l.* in the present year; but that the permanent surplus would be about 200,000*l.* Now, to have only a surplus of 200,000*l.* in a revenue of about 50,000,000*l.* was, in fact, to have no surplus at all; for he was quite sure that the noble Lord, and those who advised the noble Lord on financial subjects, must be very clever indeed, if they could predict what would be the result of the financial operations of any given year within the sum of 200,000*l.* one way or the other. The increase or the decrease of the income of the country must of course depend, in a great measure, on the prosperity or the want of prosperity in the country. When the country was prosperous, consumption increased, and an increase of the revenue naturally followed; when the country was not prosperous, consumption decreased, and a decrease of the revenue as naturally followed. As long as manufactures and commerce went on tolerably well, and as long as the people were comfortable, the revenue would go on increasing. But these were matters subject to great fluctuations; sometimes going up hill, and sometimes going down hill with unexpected velocity; and some time or another the system of finance at present adopted, which not only left no surplus revenue, but actually anticipated an increase of revenue, would give way under those who trusted to it, and would leave the noble Lord, and those whose opinions were in conformity to the opinions of the noble Lord, in a condition which would not be one of exultation and triumph. To the reductions of duty amounting to 200,000*l.*, which it was proposed to effect by the Customs' Bill, he entertained great objections. Forming a part of the general reductions of the year, they ought to have been brought forward by the noble Lord the Chancellor of the Exchequer, and not by the right hon. Gentleman the President of the Board of Trade. Let them be proposed by whom they might, however, he must say, that he never knew 200,000*l.* more deliberately thrown away, or reductions of taxation of so little importance. He was quite at a loss to understand the reason of reducing the duties on the importation of dried fruits, dried currants, &c. They were as much luxuries as any articles of consumption could well be. He could not divine why such articles were selected for a reduction of duty in preference to a thousand other articles on which a reduction might be more advantageously effected. Perhaps the proposition might be intended as a relief to the growers of fruits in the Ionian Islands. Their distress, however, arose from the competition of other parts of Greece. To the reductions on oil and starch he had no objection; but what had the noble Lord done for the substantial relief of agriculture and manufactures? There was hardly an article of manufacture which would be relieved. The reduction of the duty on the export of coal was not only in itself a waste of money, but was attended with considerable danger. He doubted whether any one of the appropriations of the surplus was a judicious reduction of taxation, but this was the most injudicious of all; for, in the first place, it was a loss of revenue; and secondly, it was no benefit to the manufacturers, for it gave the foreign manufacturer an advantage against them. Although he (Mr. Baring) did not apprehend, as some did, the exhaustion of coal in the country, yet, when the coal got beyond the sea-coast it would be found to affect the price of the article, to the inconvenience of the community and of the manufacturer. If instead of hiding this proposed reduction in the Customs' Bill, it had been brought forward as an open and distinct proposition, he was persuaded that it would have been warmly opposed by the great body of manufacturers in the country, and among them by the right hon. Gentleman's constituents at Manchester. He (Mr. Baring) considered this reduction to be exceedingly injudicious, not only as getting rid uselessly of a large amount of public income, but as affording considerable encouragement to the manufactures of our continental rivals. To this reduction he entertained insuperable objections, not only as it might affect the poor, but on the ground that it would sooner or later strike a dreadful blow at the manufacturing power of the country. There was in the proposed alteration a positive and serious danger. The other reductions, with the exception he had mentioned, were foolish and unnecessary, and to consider them further, he looked upon as a mere waste of time. Then he must go to the statement just made by the noble Lord, the Chancellor of the Exchequer, and tell him that he had kept little of the promise he had made to relieve the landowners from the severe distress under which they were labouring. That distress the noble Lord had himself frequently acknowledged— Ministers proclaimed it in the King's Speech—the noble Lord had given frequent assurances of relief, and it now turned out that the boasted reductions were little paltry taxes on shepherds' dogs, on farmers' boys, and farmers' horses. In the whole list the noble Lord could find no items but these to reduce—none which would effect any substantial relief. Could not the noble Lord have reduced the stamps on leases, and on the insurance of farm buildings and stock? He would have had no difficulty in finding a substitute for any amount of loss which the revenue might incur. He did not wish to raise a discussion on the subject of the Malt-tax—that great burthen upon the agriculturist; but he must observe to the noble Lord, that the sum of 1,500,000*l.* which, on his own showing, he was able to apply to the relief of the country, would have afforded a reduction of 5*s.* on the Malt-tax, which by the substitution of other and far less impolitic imposts, might have been increased to 10*s.* But the noble Lord preferred to yield to clamour, and repeal the House-taxes, for which, he doubted not, now they had got it, the shopkeepers would not thank him, as by this time they had found out that the boon was given to the landlords and not to themselves. He would now call the attention of the House to a transaction of the noble Lord in finance, to which this was the first opportunity he had of adverting. The noble Lord in the measure which he had assumed this year for the conversion of the four-per-cent stock, had entirely failed, or failed at least to the extent of one half; for out of 11,000,000*l.* of four per cent stock, there were dissentients to the amount of 5,000,000*l.* In what manner the noble Lord proposed to find means to pay off these dissentients he did not know; but he stated this fact, that the noble Lord might have an opportunity of declaring what those views were. He (Mr. Baring) had moved for certain papers with a view of ascertaining the details of an extraordinary operation on the part of the Government. Knowing what financial business was, he was surprised that a person at all acquainted with that business could have thought of pursuing the course which Government had been following. They had been buying stock and selling it, trafficking and dealing in the funds, day after day, in a manner totally inexplicable to every person accustomed to business. He had doubted the possibility of their having done as had been reported, and he had on a former occasion put a question on the subject to the noble Lord. He (Mr. Baring) supposed, that the noble Lord considered that his question referred to the West-India grant, when he said such a transaction was not going on at all. He (Mr. Baring) had moved for papers, to which motion at first an objection had been made, although he was at a loss to know why papers of a financial character should be refused, nor did he recollect they ever had been refused to the House by any Minister. Having seen the papers, he was still more at a loss to conceive why their production should have been objected to. From the papers, it appeared, though he had had but little opportunity of examining them—that Government had been going into the market, buying and selling, day after day—such a transaction he had never known before. Gentlemen should be aware what the operation of the sinking fund was. The Commissioners of the National Debt, having the application of the money for the reduction of the debt, had the management of this fund. The Commissioners had also the care of the funds belonging to the savings' banks, amounting to 16,000,000*l.* which were placed in their hands as the safest persons in whom that trust could be lodged, because the public had an assurance that nothing would be done by them but in the regular execution of their duty, and that they would not go out of their way to job and deal in the public funds. The noble Lord would probably say, that the Commissioners had a power to buy and sell. They had so, and an entire power over the funds of the banks. These funds, in November last, amounted to 8,239,000*l.* in the three-and-a-half per cents, 4,200,000*l.* in the three per cents and 3,100,000*l.* in Exchequer bills. All the different acts certainly gave the Commissioners full power to deal with the assets of the savings-banks, "if they thought it expedient," or "advisable," or some phrase of that kind, which was always introduced, implying that the power was to be used for the purpose of the execution of the trust reposed in them, and for no other purpose whatever. What would be thought of these Commissioners when they, under that power, went jobbing in the Stock Exchange? That they should have the power of buying and selling was necessary, in order that they might invest money in, and be able to take money out of, the funds, on account of the banks. But no person who read the Acts, and had common sense, could fail to see that to that extent their duty was confined. In the Bill which had been brought in some years ago for the reduction of the Four per Cents., a power was given to the Commissioners to use the funds of the savings' banks, with the provision already mentioned; but no one ever dreamed that they might job with them in the stocks. The noble Lord seemed, however, so to have interpreted the power which he found in former Acts given to the Commissioners, but it seemed to him (Mr. Baring) that the noble Lord had left out, or overlooked, the words "if expedient." He (Mr. Baring) had used the word "jobbing" as a short word which expressed clearly what had been done; but he was bound to say, that he believed every thing had been done with the purest intention, and he disclaimed imputing any interested motives; but the noble Lord had been badly advised. It seemed as if, under the circumstances of the Government, the noble Lord had been obliged to turn over financial matters to some other person in whom he reposed confidence. Never was confidence more misplaced than in this instance. The amount of the funds which had been sold out was as follows:—775,000*l.* Three-and-Half per Cents.; 442,000*l.* Three per Cents Reduced; and 1,131,000*l.* Consolidated Three per Cents; making 2,348,000*l.* stock. This had been sold, not for meeting engagements, but for the purpose of working the prices of the stocks, in order to carry into execution the project for the reduction of the Four per Cents. The stock thus sold out had been invested in Exchequer Bills. The noble Lord had not abandoned the hope of deriving benefit from his plan; but what possible object he could have in converting stock into Exchequer Bills he could not say. The noble Lord might allege that he had benefited the funds of the savings' banks by this operation. He was not satisfied upon that head; but still the noble Lord had no right thus to deal with funds sacredly appropriated by the Legislature and lodged in the hands of the Commissioners for security. It was no better excuse than that of a banker's confidential clerk, who, being sent some distance with considerable property, should step into a gambling-house, and tell his employers that he had used it to a profit. This would be as good an excuse as the noble Lord's for this device. The adviser of the noble

Lord, too, had set about the operation in a most blundering manner. In June, the Four per Cents were advertised for reduction; and what had been done in the mean time? The success of the operation depended on their being able to carry up the Three and a-half per Cents and other stocks. How had the cunning persons done who had advised the noble Lord? Why, from the 11th of June, every day, in June and July, they had been selling 10,000*l.* of the Three and a-half per Cents. He had accounts of sales at 95$\frac{5}{8}$, 95, and 96; considerable sales had been made between the prices of 95 and 96. Suppose they invested this stock in Exchequer Bills, having sold at 95, and 96, how would they get it back at par? On the face of the papers a more blundering transaction he had never seen. With regard to the funds of the savings' banks, he found that every year they paid out more than they received. The last return was to November last year, when the sum which had been received by the Commissioners of Savings' Banks, for investment was 5,747,000*l.*, and they had paid interest and capital to depositors to the amount of 6,832,000*l.*; therefore there was a difference,—a deficiency,—between the amount received, and the amount paid to creditors, to the extent of 1,085,000*l.* The capital was sufficient to pay the creditors if stocks continued high; but what would be the consequence to the savings' banks if the price of stocks fell? Suppose a war should occur, and the Chancellor of the Exchequer had to come down with his fine-spun budget and confess, that he had no surplus, the difference between the prices of 95 and 60 would sink the 15,000,000*l.* of capital of the savings' banks to 10,000,000*l.* If they continued to pay any year more than they received, although the capital, from the circumstance of the rise in the price of stock, was sufficient to pay every one his due, the capital might be diminished. He must condemn the secret nature of the transactions by which the amount of stock sold by the Commissioners of the public Debt had been concealed. Under former Governments so jealous was the public of these sales, that the broker who had the management of them used to ascend the rostrum in the Royal Exchange, and announce, three months before, what amount of stock he had to dispose of. If these sales had been effected according to the usual practice, and if public auction had decided who should be the purchasers, they would have turned out better for the public; and he was sure that the hon. member for Middlesex would agree with him that every publicity ought to be given in order to ensure and obtain the advantage of competition. He most fully allowed, that not the slightest shade of imputation would rest even for a moment on the motives of the noble Lord, and he never knew any person who filled that situation whose reputation on that ground was not of the same character; indeed, the public would not suffer any person but one of an unsullied reputation in that office; but though the noble Lord's character was as pure as unsunned snow, still there were many persons who had access to official information, the hangers-on of the Treasury, who availed themselves of their opportunities to make a fortune for themselves. He himself knew of an instance where such an individual's acquaintance with the intended operations of Government when it was about to borrow, and when it wanted to lend—that individual being a clerk of the Treasury which had enabled him to leave his family 10,000*l.* a-year. Another charge he had to bring forward against the noble Lord was, that he had blundered in all his financial operations: that he had sold stock when he wanted to convert it. The noble Lord was the only Chancellor of the Exchequer that had ever failed in his operations in attempting the reduction of a stock, and he must say, that his measures and mode of working them had excited the ridicule of all those who were usually looked upon as critics in these affairs.

Lord *Althorp* thought, that the hon. Gentleman himself had made one or two mistakes in his account of these public transactions, and that he had added to those mistakes by what he had just addressed to the House. The hon. Gentleman objected to his (Lord Althorp's) proceedings, on the ground that they were contrary, if not to the letter, at all events to the spirit of the law. Now, in answer to this, he begged to state, that he applied to the Gentleman who had for years and years been employed in these transactions, and who advised him that he could take the course that had been adopted, without doing anything unusual, or in opposition to the Acts of Parliament relating to these matters. As to the operation itself, the hon. Gentleman seemed also to labour under a mistake; for he supposed that his (Lord Althorp's) mode of raising stock was by selling stock. That was a mistake. He certainly had, at an early period, directed a gradual sale of stock, but he was not such a conjuror as to do it with any such intent as that ascribed to him. Then there was a mistake as to dates; the hon. Gentleman argued as if the dissentients to the proposed reduction of the Four per Cents, declared their dissent in June, when, in fact, the last day on which they could do so was the 28th of May. Therefore, there could not have been that effect on the stocks which the hon. Member supposed, and so there was another mistake. With respect to the effect of his measures, he begged leave to say, that instead of no advantage resulting from them, as further stated by the hon. Gentleman, the savings' banks had gained, on the 19th instant, on the stock sold to pay dissentients, a clear sum of 118,877*l.* But the hon. Gentleman said, that his was the only plan for the reduction of stock that had ever been known to fail. The hon. Gentleman was greatly mistaken. It had not failed. He had carried his plan, and begged to say, that he was prepared without any difficulty whatever, to pay the respective amounts to every individual who dissented. Again, if the hon. Gentleman would look into the Act authorizing this reduction of stock, he would there find a specific power given to the Commissioners of Savings' Banks to do that which he so severely censured them for. Then the hon. Gentleman complained of the manner in which they had carried on their transactions—that they had not given sufficient publicity to them; but he (Lord Althorp) begged to remind the hon. Gentleman that there was a difference in the quality of the duties of these Gentlemen. Their functions as Commissioners for the reduction of the National Debt were wholly distinct from those which attached to them as Commissioners of Savings' Banks. As the latter functionaries, they had to purchase and to sell—they were in the position of bankers, who had to pay interest on deposits; they were, however, in a very different situation in the former instance. By publishing their intentions they might raise the market against them, in which case there certainly might be some ground for the charge of plundering. There was nothing in these transactions of an improper or illegal character; nothing which told against the country; but, on the contrary, much that was in its favour. There was no ground for the charges made, or for the character which had been attached to the Government transactions by the hon. Gentleman. The great object he had in view was, that the prices of stock should be affected as little as possible, because it was clear, that if they were affected, the result would be to prevent him carrying his own measure into effect. He never thought of operating on the price of stock, or any such thing. He thought the House would see the futility of the charges that had been made, and that the mistakes were rather on the other than on that side of the House.

Mr. *Baring* said, that from the noble Lord's own statement, it appeared that these Commissioners had sold stock to the extent of 2,500,000*l.*, and he was sure he had only to state to those who knew anything about calculation this fact, to prove the utter hollowness of the scheme. The money thus realized by the sale of stock at 95 or 96 had been invested in Exchequer-bills at par. Now, Exchequer-bills bore interest at the rate of $1\frac{1}{2}d.$ a-day for 100*l.*, and this fund was obliged to pay $2\frac{1}{4}d.$ a-day interest on the deposits placed there, so that the noble Lord would be the greatest conjuror that ever existed, if he could prove this transaction to be a gain to the savings' banks.

Lord *Althorp* observed, that a similar operation had taken place in 1830.

Mr. *Herries* said, that there was obviously a mistake between the parties on this subject. The noble Lord had first made a profit, but in this second operation he had lost part of the profit which he had made; for he could not see how, by selling stock at 95 or 96 to reinvest at 100, any profit could accrue to the parties who engaged in such a transaction.

Mr. *Goulburn* had been long convinced that the resources of the country, if managed with ordinary prudence, would be more than sufficient to meet the demands which could be made on them; and the state of prosperity in the country, unattended by any very extraordinary revulsion, would more than realize the expectations which had been entertained concerning it. Notwithstanding he agreed with the noble Lord in his anticipations of the elasticity of the resources of the country, he differed from him on one important point of principle—namely, whether it was desirable or not in a state of profound peace to make an impression upon the public debt, or to bear in mind that a period would arrive when it would be impossible to make such a provision, and that the resources of the country might be crippled, and cast away for want of common foresight. He had been rather surprised, therefore, to find that the noble Lord had not stated explicitly whether the debt of the country would be increased or diminished at the end of the year; and he was the more concerned on this account when he saw that for the last three years, on account of compensation to the West-India planter, and by other means, there had been an augmentation to the debt of 200,000*l.* per annum. How this charge had been incurred the papers to which he had before referred partly proved, and he was very much afraid that this particular charge, which had so much increased the debt, would be augmented at the end of the next year. In 1832, the charge of the debt was 28,100,000*l.*, and, in 1834, 28,310,000*l.*; making altogether a difference of 210,000*l.* The only effort that had been made by the noble Lord to make any kind of reduction in the permanent debt was a change of some of the stock into terminable annuities, so that instead of 749,000,000*l.* it was now 736,000,000*l.* apparently, but no real benefit would accrue till the end of thirty years, and the interest on the difference in the mean time, instead of 640,000*l.*, was 749,000*l.* He would beg of the noble Lord, that if the weight of this millstone round our necks could not be diminished, at least not unnecessarily to augment it. He perceived, when the interest on the West-India fund was called for, that we should be in a situation far more burthensome than we had yet experienced. With respect to the budget generally, he thought that if the noble Lord felt himself at liberty to make any reduction of taxation, it ought to be to that portion of the community which was, at the present moment, the most oppressed. The noble Lord had told them that the commerce and trade of the country was in a prosperous condition, and he was rejoiced to hear it; but he had not told them that the agricultural interest, either of this country or of the colonies, was in the same fortunate situation. He had therefore to complain, as he did on a former occasion, that the noble Lord had, instead of applying relief to the clauses which most required it, applied it to those who were confessed to be in a prosperous condition. It would be difficult, upon merely hearing the statement of the noble Lord, to go into a detailed argument upon his plan respecting the duty upon spirits; but a few points had struck him which he wished to remark upon. The noble Lord had said, that notwithstanding the high rate of duty on spirits in England, the amount brought to account kept constantly increasing, but that the duty of 3*s.* 4*d.* per gallon, which existed both in Scotland and Ireland, had been productive of very different results. That in Scotland the amount brought to charge was increasing under that duty, whilst in Ireland it was decreasing. The conclusion at which the noble Lord had arrived in considering this circumstance was, that the duty on spirits in Ireland should be diminished. Now, he was not quite sure, that upon looking narrowly into this question it would be found that in proportion to the consumption there was a greater extent of illicit distillation in Ireland than in Scotland. He did not know either upon what authority the noble Lord had arrived at the distinction he had described. [Lord *Althorp:* That of the Commissioners of Excise.] He, of course, had only the ordinary sources of information to judge from; but he should like to ask the noble Lord whether he was aware what proportion of the spirit manufactured in Scotland and Ireland, respectively, was exported to this country? The noble Lord, of course, knew that it had long been a complaint of the distillers, both of England and Ireland, that the Scotch distillers were able, (they themselves said, from superior skill, their opponents said by frauds upon the revenue), to send their spirits with advantage to the Irish and English markets. Before, therefore, he could acquiesce in the proposed reduction of duty on spirits in Ireland alone, he should like to have some more explicit information upon the subject than the noble Lord had given them. The noble Lord might tell him that a different wish already prevailed with regard to England and the other two portions of the United Kingdom. He admitted the fact that it was an evil, and he would not increase the evil by making those distinctions in duty, without a strong ground of necessity being made out. Besides, unjust as the present rate of duty upon colonial spirits was, how much would its injustice be increased by a further reduction of the duty on spirits distilled in Ireland. Rum was admitted into the United Kingdom at a duty which was calculated with reference to the heaviest duty paid in England. The consequence was, that the consumption of rum was hardly known in Scotland or Ireland. Every reduction of duty in either of those countries, unless justified by paramount necessity, was an infliction of direct injury upon that colonial interest which, under any circumstances, it was the duty of Government to uphold and encourage; but if ever that interest had a claim to consideration, it was at the present moment, when its fate hung in the balance as it now did, and when he defied any man to say, with certainty, what would be the result of the great measure Parliament had passed with respect to it. Before he sat down, he wished to ask the noble Lord a question with respect to the period of the payment which the planters were to receive for the liberation of their slaves. The success of the measure for the emancipation of the slaves must depend, in a great degree, upon the means which the planters had of providing for the change of circumstances which would attend their liberation. They would be put to great preliminary expenses, and he was therefore anxious to know, whether the Government had made arrangements for the payment of the parties interested at the earliest possible period. If the payment was delayed, injury might be inflicted both upon the public and the West-India planters, which the twenty millions would be a long way from compensating. The change in the condition of the slaves was to be made on the 1st of August, so that the interval between that time and the meeting of Parliament would be a critical one. He did not put this question in a spirit of hostility to the Government, but from anxiety that nothing should occur to impede the proper and safe working of the measure of negro emancipation.

Mr. *Poulett Thomson* trusted the Committee would allow him to make a few observations upon the remarks made by the hon. member for Essex on the Bill he had the honour to bring before the House a short time back. He had been peculiarly unfortunate as regarded his hon. friend; for when he introduced that Bill, he gathered from the manner in which it was received that it was generally approved of by the House, and he did not even now despair of his hon. friend doing that which was not very uncommon with him—namely, change his mind. In the course of this evening, indeed, he had expressed an opinion with regard to one article affected by the Customs' Bill different from that which he had expressed on a former occasion, he meant oil.

Mr. *Baring* had stated, that oil was the only article, the reduction of the duty on which he approved of.

Mr. *Poulett Thomson* said, that he must in common with others who had heard his hon. friend, have misunderstood him, and if so, what became of all his hon. friend's wit about salad oil. The fact, he supposed was, that his hon. friend had found out, since he spoke, that oil was greatly used in the manufactures of this country.

Mr. *Baring* begged to say, that he had stated on the former evening, what he had stated to-night, and which the right hon. Gentleman was pleased to call wit—namely, that the reduction of the duty, as far as regarded oil, employed in manufactures, was beneficial, although he certainly did not wish to see, if the distinction could be made, any reduction of the duty on oil used as an article of luxury.

Mr. *Poulett Thomson* was glad to have received the approbation of his hon. friend upon any point; but the amount of oil consumed as a luxury was, he could assure him, a mere trifle, compared to that employed in manufactures. With the exception, however, of this article, there was not one of those which had been selected for a reduction of duty which, upon going through the Customs-book, he should not have placed last upon the list to be so selected, and that, in point of fact, it was a waste of the public money to reduce the duty upon such articles. The articles, however, which had particularly excited the wrath of his hon. friend were those which came under the head of dried fruits, and especially currants. The hon. member for Essex treated these as articles of luxury, meaning, he presumed, that they were articles for the consumption of the rich, and not of the poor. Now, as regarded currants, he could assure his hon. friend, that he was completely mistaken in so describing them. It was notorious, that all but the very poorest class were in the habit of consuming currants to a large extent, particularly in the north of England. His hon. friend near him, who was well acquainted with the mining districts of Durham and Northumberland, would support him in the assertion, that it was the constant practice of the miners to consume large quantities of this fruit. But he considered this article as worthy of their attention, not merely because a reduction of the duty upon it would lower its price to a large class of the community, with whom price was a matter of consideration, but because he thought that reduction might be made with scarcely any loss to the revenue. The hon. Member had stated, that the reduction was intended to benefit the Ionian islands, but that they would not be benefited by it, because they were suffering from the competition of their neighbours. But, it would be in the recollection of the House, that the reduction of this duty had been long pressed upon the Government. The answer which had uniformly been given to applications to this effect, and the answer which he had himself given, was, that it could not be done till the Ionian islands removed the export duty imposed upon the article; but last year the Ionian Legislature took off the export duty, and he felt himself bound in justice to meet their expectations by some diminution of the duty levied upon it in this country. Now, what was the duty upon this article, which the hon. Member said was the last he should select for reduction. The duty on currants was now 44*s.* 2*d.*, which, as their price was only 30*s.*, amounted to 175 per cent. This was a fact the hon. Gentleman could not be aware of; and he asked whether it were not likely, even in his view of the article, as one which was not generally consumed, but which, upon the principle of getting an equal amount of revenue with a less charge to the consumer, was so situated as to make a reduction of the duty upon it to 22*s.* likely to be advantageous? Then, again, there was the article of prunes, which was one of great consumption among the poorer classes all over the Continent, and there was no reason why it should not also be consumed by the poorer classes of this country, if brought within their reach. The duty on that article was 27*s.* 6*d.*, which, as the price was only 14*s.* amounted to 250 per cent. He proposed to reduce the duty to 7*s.*, and he was satisfied that, if anything, the revenue would gain by the reduction. He would not go through the whole list of fruits on which the duty was reduced. It would be sufficient to say, that they were all in about the same situation, viz. subject to a duty of from 150 to 200 per cent; and if they could reduce that duty, without any serious loss of revenue, he said, in spite of what his hon. friend would not allow him to call wit, he had no doubt that the majority, both of the House and of the public, would be with him. The amount of tax upon those articles, which would be abandoned, was about 120,000*l.* Then came the other article of coals. He knew that this article involved a disputed question, and he did not intend to deny, that he was one of those who agreed in the principle, that if we had the perfect monopoly of an article of this description, it was unwise policy to surrender it to neighbouring countries. But to be able to stand by that principle, it was necessary first to be satisfied that we could maintain the monopoly, and next, that, being able to maintain it, the doing so was not attended with concomitant disadvantages, which weighed against it. Now, with respect to the first point, he was perfectly satisfied, from the experience they had had in the three years which had elapsed since the duty had been reduced, that we could not maintain our monopoly. It was a notorious fact, which any Gentleman who would take the trouble might verify beyond a doubt, that coal-fields were being opened in Holland, Belgium, and France; and that the collieries of those countries could compete with ours, and would, in a short time, be able to furnish themselves with that article. Then, with respect to the disadvantages of attempting to keep a monopoly which really could not be kept. Even at the present reduced duty, great quantities of small coal were burnt on the ground, and absolutely lost to the country, because they would not bear the export duty. Besides this loss, there was the injury we suffered from depriving our labourers of so much additional employment, and our shipping, of an extension of trade. If Gentlemen would take the trouble to look at the statement laid upon the table yesterday, they would perceive how large the amount of tonnage was, now employed in the export of coals; and that British shipping not only maintained a successful competition in the trade against the shipping of countries with which we had not reciprocity treaties, and the articles exported in which were, therefore, subject to increased duties, but also against the shipping of countries with respect to which they had no such advantage. Besides, the abolition of the present duty would be a great relief to several important interests in the North of England now in a state of some suffering. In addition, therefore, to the great general public advantages of the proposed change, it would prove exceedingly advantageous to important classes of the community. But the hon. Member for Essex had said, that he should have preferred taking off the glass and the cotton duty. He was certainly not one who would object to the reduction of the duties on those articles; but when the hon. Member spoke of his (Mr. Thomson's) constituents not approving of the reductions made upon fruit and coals, he begged to say, that he believed his constituents were too intelligent and enlightened to object to any reduction which was for the general advantage of the country. They might, with him, be glad to see the duties on glass and cotton abolished; but when his hon. friend recommended its being done, did he recollect the circumstances connected with each? The duty on cotton was diminished more than one-half last year; and other classes might have some right to complain, if Ministers had this year devoted the whole of the sum they had to spare to the reduction of the remainder, which amounted to a larger sum by one-half than the whole loss by this measure, viz., 350,000*l.* The duty on glass, on the other hand, amounted to 700,000*l.* He believed, that no duty could be more beneficially taken off; but then it amounted to 700,000*l.*; and every one knew it would be useless merely to reduce the duty, unless they could abolish it altogether, for they would not thereby get rid of the machinery by which it was collected, and the mischiefs it inflicted upon the manufacturer. He would say a few words upon the statements made by his hon. friend upon the subject of taxation generally. His hon. friend had found great fault with them in ~~the~~ first place for making any reduction, and for not devoting all they could spare to the Sinking Fund; but he went further, and stated one thing which he ought to have known was not correct. His hon. friend stated, that his noble friend had come down to that House with a popularity budget, by giving up the principle of his predecessors of having a surplus. Now, the fact was, that after taking away the reductions made by the right hon. member for the University of Cambridge, his noble friend, when he came into office, found no surplus whatever. If, therefore, his noble friend had proceeded upon this principle, he could only have entered upon it by refusing to reduce any taxes for a considerable length of time, in order to save up a surplus. But the advantage attending the great reductions of taxation made by his noble friend, was, that the revenue sprung under them to a degree that made up half, if not more than half, of the amount reduced. He would state in round sums the amount of the several reductions which had been made in the last four years. In the year 1831, he found that, taking the difference between the taxes repealed and the taxes imposed, there was a balance of reduction amounting to 1,253,000*l.* In the year 1832, the relief from taxation was 739,000*l.*; in the year 1833, it was 1,636,000*l.*; making a total for these three years of 3,628,000*l.* This, added to the reductions his noble friend had announced that night (after deducting the new duties to be laid on) made a total, during the four years, of 5,329,000*l.* The reductions made by the right hon. Member opposite, in the year 1830—some of which did not come into operation till 1831, amounted to 3,906,000*l.*, which made a total reduction of taxation in the course of five years, amounting to 9,233,000*l.* And if the 750,000*l.* his noble friend had provided for the interest of the grant to the West Indians was taken into the account, it would amount to 9,983,000*l.* Now, what was the loss of revenue consequent upon this reduction of taxation? Only 4,580,000*l.* He considered that statement to be an answer to those Gentlemen who objected to taking off taxes, because they preferred having a considerable surplus revenue, as well as an answer to those who objected to following out the plan of endeavouring to select articles for reduction, which either entered into the general consumption of the people, or were largely employed in the manufactures of the country. His hon. friend complained that more had not been done for the agricultural interest; and his hon. friend mentioned two trifles, which came with a bad grace from one who almost ridiculed his noble friend's attempts to relieve that interest of its trifling burthens. The fact was, that there was very little in the way of taxation that was not of a trifling nature that pressed upon the agricultural interest, except the Malt-tax, which, he contended, pressed equally upon all the consumers of malt. But his hon. friend ought not to forget this, that the farmers were as much a part of the public as the inhabitants of towns, and would be just as much benefited by general reduction of taxation. He ought not to forget either, that the reduction of the duties on raw materials was not a benefit conferred on the commercial classes, but was largely, though indirectly, advantageous to every man who had capital to employ or labour to sell, by increasing the employment for capital and labour. In fact, it was utterly impossible for the productive powers of this country to be in any way extended without every class in it being benefited. He therefore thought, that the relief to be experienced from the reduction of the house or any other direct tax, little in comparison to that which would have been derived from the reduction of the taxes on glass, paper, and cotton; but at the same time he admitted that, in considering the expediency of maintaining a tax, they were bound to look to the greater or less pain, for so he must call it, with which it was paid. Now, unquestionably, the House-tax had been a cause of general and loud complaint, and his noble friend was, therefore, right in taking it off. But he trusted that what they had to spare might hereafter be devoted to the relief of productive industry; and if that course were well followed out, he felt satisfied, that they need not fear seeing those years of adversity which his hon. friend appeared to dread. They might, certainly, be subject to the fluctuations which visited all commercial countries; but, upon the whole, he doubted not they should go on in a long career of industrious improvement.

Sir *Robert Peel* agreed with the right hon. Gentleman, that it would have been infinitely better, upon every ground of policy, to have repealed the duty on glass, rather than to have removed the tax upon houses. But if that were true, why should the House not perform its duty to the country, by acting upon a firm and well-founded conviction of what was most advantageous, rather than yield, what at most, could be considered only as a partial and slight advantage, to any popular clamour which might be raised out-of-doors. The right hon. Gentleman said, that there was more pain in paying the House-tax than in paying the duty upon glass. He was not sure that those who clamoured most suffered most. At all events, they would directly contravene that which was their duty to their constituents, if they suffered any clamour raised by particular classes to overrule their better judgment, and induce them to take steps directly at variance with all the received principles of financial and commercial policy. The Glass-tax was, in every point of consideration, an extremely bad tax. A repeal of the Glass-tax would afford a greater relief to a large portion of the community than the repeal of the House-tax. The removal of the House-tax was merely a *bonus* to the landlord; the removal of the Glass-tax would be a *bonus* to every class of the community. If that were their conviction (and he believed it was admitted by every one capable of taking a comprehensive view of the subject of taxation), he did not see why the House should not act upon it, and refuse to yield to any clamour that might have been raised out-of-doors. It was not fitting that the decisions of this House should be governed by popular clamour. The tax upon glass was objectionable in another point of view; it had a great tendency to deteriorate the quality of the article. If they compared the glass made before the imposition of the tax with that which had been made since, it would be found that the latter was of an inferior quality. There was a double objection, therefore, to the continuance of this tax; it not only increased the price of the article, but, at the same time, rendered it of inferior quality. There was one other point to which he would refer. The right hon. Gentleman had not convinced him of the policy of encouraging the export of coals. The right hon. Gentleman said, that his constituents were so enlightened that he was sure they would make no objection to it. He felt that any opinion entertained by the right hon. Gentleman, both on account of his ability and of his situation in the Government, was entitled to great weight. He had, therefore, listened with attention to the whole of his argument upon that point, but the right hon. Gentleman had not relieved his mind of the doubts which he entertained as to the policy of encouraging the export of coals. No doubt it would act as a temporary relief to certain distressed interests in the North; but transitory relief would be dearly purchased by a measure which went to deprive the country of one of its greatest natural advantages—the almost exclusive monopoly of coals. It appeared to him that the arguments in favour of the exportation of machinery, did not apply to the exportation of coals. It was said, that we had as great an interest in securing a monopoly for our domestic manufactures, as in retaining a monopoly in the production of coal, and, therefore, if we permitted the export of that machinery by which we had brought our manufactures to such perfection, upon the same ground we ought to permit the export of coals. The cases were seemingly, but not really, parallel. As regarded the exportation of machinery, the Legislature had no discretion to exercise, because it could not prevent the egress of the artisans by whom that machinery was made. Foreign countries became acquainted with the power and value of our machinery, and desired to purchase it from us. We refused to sell, except upon such terms as, in point of fact, amounted to a prohibition. What followed? Temptations were held out to our artisans and mechanics, to emigrate to those countries for the purpose of instructing the inhabitants in the art of constructing the machinery of which we previously had had the exclusive monopoly. The danger of this was at once perceived. It became obvious that our monopoly of machinery could not be retained, because, if we refused to sell it to foreign countries, foreign countries, through the medium of our own artisans, would make it for themselves. We had, therefore, no discretion. It was better that we should encourage our domestic manufacture of machinery by allowing a free export of it, than that we should continue the prohibition, and thereby encourage the emigration of the manufacturer. But that argument did not apply to coal. He was not at all satisfied as to the proof of the very abundant supply of coal in this country. He knew that the reproduction of coal (and the evidence of reproduction was far from convincing—in fact, he might say, that there was no positive evidence of a reproduction) was not so rapid as the consumption. Then the Legislature was surely not to contemplate merely the present interests of the country—it was bound to look forward—to look forward even for a period of 400 or 500 years. In matters of legislation or of fiscal arrangement, the interests of remote periods ought always to be considered, unless some immense immediate advantage was to be gained. He was not satisfied that the supply of coals in this country—he meant of coals lying so near the surface as to be procured upon cheap and moderate terms, was so abundant as some hon. Gentlemen supposed. That somewhere in the bosom of the earth there was a supply that might last for centuries he did not mean to deny; but if it had to be procured at such a cost as to render the price of coal in this country equal to what it was in foreign countries, there must be an end at once to the great advantage for manufacturing which we now enjoyed. What was the right hon. Gentleman's argument? He said, that we could not maintain our monopoly of coal, because coal fields had been discovered in several parts of the continent. Now that, in his opinion, instead of being an argument in favour of becoming exporters of coal, was directly an argument against it. If there were coal upon the continent, the countries of the continent would encourage the use of it in preference to coal coming from this country. Therefore, the amount of our export was not likely to be great, though, if the countries of the continent have coal of their own, it would induce them to establish manufactures to rival ours. If, therefore, we had any advantage in the production of this important article, it was proper to maintain it to the fullest extent. There was one subject connected with the financial operations of the country to which he wished to have the opportunity, before the termination of the Session, to call the attention of the House—he alluded to the present system of banking throughout the country. He was sorry that the attention of Parliament had not yet been called to that subject. A Committee had been appointed to inquire into the system of banking in the metropolis, but that Committee did not enter into any inquiry as to the system of country banking. It instituted no inquiry into the effects of the 7th Geo. 4th, chap. 46, which enabled Joint-Stock Banks to be established making all the members of those banks individually responsible for the debts of the company. He did not wish to give any opinion upon the subject; but it was one deserving the attention of Parliament; indeed he could not conceive one which more imperatively called for their attention, than the whole relation of private banking, considered in connexion with the joint-stock system, and the new law by which the paper of the Bank of England would become a legal tender, and which he feared might be improvidently acted upon, unless some check were given to it. He could not help thinking that the Act of the 7th Geo. 4th—to the introduction of which he was a party—was acted upon very differently from the intentions of those who brought it in. Branch banks had been established in almost every town, by persons roving about and selecting some unoccupied spot, no matter whether they had any local connexion with the town or the surrounding neighbourhood. No sooner did they find a vacant place, than they at once established a Joint-Stock Bank. He found that some of these companies were carrying on district banks with a capital of 500,000*l.*, consisting of 100,000 shares of 5*l.* each; so that all the security which the public had, was the personal responsibility of these owners of 5*l.* shares, for the whole amount of the debts of the bank. It appeared to him that this might prove to be a very inadequate security. In his opinion no company should be allowed to issue paper, or, as it were, coin money, without control as to their liability. These persons traded under very different circumstances from all others. They might trade as much as they pleased if they were not connected with money; but the moment they became so connected, the interests of the whole country were liable to be affected by their proceedings; so that the Parliament acquired the right to provide some effectual check against the imprudence of such banks, and was bound to devise a security for those who placed confidence in the solvency of the bank, if the Legislature should see reason to do so. Several of these banking establishments set out with conditions in the formation of them, which appeared seriously deserving consideration. Among these conditions in one of these banks every shareholder was entitled to cash credit to the extent of two-thirds of the amount of stock paid up. It was also a very common provision, that should one-fourth of the paid-up capital be at any time lost, the company was thereby dissolved. That was done for the purpose of preserving a limited responsibility; but was it the law of the land, that when one-fourth of the paid-up capital should be lost, the company should be dissolved, and all liability be at an end? [*An Hon. Member:* "No."] But it was the practice; and the means by which persons were induced to take these 5*l.* shares. Was not that a strong reason for calling the attention of Parliament to this subject? Ought not these liabilities to be expressly defined? If this were the law, then the security offered by the bank was a fallacious one; if it were not the law, then these persons had no right to invite individuals to take shares in the bank, by holding out to them the terms of an engagement which could not be realized. The Government placed confidence in that enactment which made each individual responsible for the debts of the company, which, practically, was not so good a security, and, therefore, not entitled to such confidence as is generally imagined. Suppose a joint-stock company to be formed, in which the public confide, believing that every member of it is directly liable for the debts of the company. The public, finding eight or ten rich individuals to be shareholders, would conceive that they had an immediate lien upon the property of those eight or ten individuals in case of the insolvency of the bank; but he apprehended that no such lien would attach, until after judgment had been obtained in a Court of Law. He apprehended that a bank founded under 7th Geo. 4th, was required to certify at the Stamp Office the name of the officer of the company, by whom and against whom, all actions were to be brought. He should not, he apprehended, be entitled to any execution against an individual member of the company, until he had brought his action against this officer, and had obtained judgment against him. That would postpone very considerably the claim which he might have upon the rich individual members of the company. An action was tried in this country against Sir Abraham Bradley King, who was sued as an individual member of a joint-stock company. The Court of King's Bench would not allow process to be issued against him—on account, he presumed, of some informality; but whatever the cause, it had the effect of completely defeating the claim of the parties. But the case under the 7th of Geo. 4th, was much stronger; for in the first place, it was quite clear that no individual member of the company was responsible, until after judgment had been obtained against the officers of the company, and then the claim must, in the first instance, be made upon those who were members of the company at the time when the process issued; and, in failure of the claim being liquidated by those parties, then an action would lie against those who were members of the company at the time the debt was contracted; but if these latter parties had contrived to get out of the company, the claim could not be made against them until after a trial by law had been had against all those who remained. His experience convinced him, that any security which did not take effect until after two successful law-suits, was not worth much. The expense of a law-suit is so enormous in this country, that unless the debt be very considerable, the security which the public would obtain, after two successful law-suits, must practically be none at all. He was afraid, that at this period of the Session, it was too late to do anything effectually upon this subject; but he trusted the noble Lord would devise some means to check the rage for speculative joint-stock companies, and seriously consider what would be the probable effect of the Act which was about to come into operation by which Bank paper would become a legal tender. He hoped the noble Lord would understand the meaning of his observation, that notwithstanding the large remission of taxation, such was the buoyancy of the resources of the country, that the result had been of considerable benefit to the public, without any injury to the revenue of the country. All this the noble Lord should remember had taken place under a metallic currency, which, nevertheless, had been declared to be utterly inconsistent with the expansion of our resources. But if that had been the effect, as he believed, it was only an additional reason for adhering to a metallic standard—and it ought to encourage the Legislature to watch, not with childish suspicion, but with rational jealousy and discrimination, any attempts to involve the country afresh in an indefinite extension of an irredeemable paper currency.

Mr. *Hume* doubted the propriety of the conduct of Government in meddling, as it had done, in the buying up of public funds with the millions belonging to the savings' banks which happened to be in its hands. There was much danger in these stock-jobbing transactions, in which Government ought never to meddle. He hoped that the accounts relating to the buying up of part of the Four per Cents would be speedily laid before them, and that no more such transactions would take place. He felt convinced that it would turn out that a loss had been already sustained. If they could create a new market by the repeal of the Coal-tax, that repeal would be advantageous to the nation at large. With regard to servants, it was advisable to take the duty off servants of eighteen years of age. But why confine it to those residing in their own parishes? That was injurious by checking free labour. All these checks added to the embarrassment of society. What would they do in case of doubtful parentage? The proposed plan would add to litigation, by instituting various grounds of objection. He approved of the remission of the Window-tax on houses varying in value from 100*l.* to 150*l.* He could not, however, see the policy of the limit proposed. Why confine it to farm houses? Why not extend it to towns? The burthen was as grievously felt in towns, as in the country. The removal of the duty on stamps on almanacks was another great good. There was no branch in which there was greater piracy than that. Then, as to the duty on spirits, in place of taking off a shilling in Ireland it would be better to take off sixpence in England and Scotland, for the great object should be to equalize relief. With respect, then, to the duty on spirits he thought that if whisky were made as cheap as beer people would not drink it. The Legislature brutalized men, and then was surprised that they were brutes. In France, and Holland, and Belgium, where spirits were cheap, were the people there as intemperate as here? He did not know what evidence was laid before the Drunken Committee, or the Committee on Drunkenness, but he would say, that it would be wise to reduce the duty so as to make the commodity cheap, and therefore valueless. He would lay on such a duty as would prevent smuggling—beyond that he would not go. He would also take off the duty on all newspapers, which would in the end increase the circulation of periodicals and add to the revenue, while they increased the stock of knowledge. A great field was open in the colonies for retrenchment; they were throwing large sums away on the colonies without any good. There was another material point. In Scotland property under 100*l.* was cruelly and most mischievously taxed. If a person died worth only 20*l.* the officers came in and took an inventory of even an old nightcap, and this at a time when the family were in the greatest affliction. Now the amount of that tax was not more than 60,000*l.* and its remission would be a great benefit. Next he would recommend the noble Lord to place the Catholic and Dissenting clergy with respect to the taxes on horses on an equality with the clergy of the Established Church, which would be the removal of great discontent and great hardship. The naval and military forces of the country were also kept on at an exorbitant scale, and he hoped by next Session they would be reduced. He hoped the tax on newspapers in Ireland and England would be removed, and that the House and the country would not witness the singular and revolting fact of the Chancellor of the Exchequer and the Lord Chancellor holding different opinions.

Mr. *O'Connell* said, he had one word to say for Ireland. He heard of prunes, currants, salad-oil, stockjobbing, foreign newspapers — in a word, of relief to be given in every way, and to every article, but he heard little of Ireland. By the Grand Jury Bill it was recommended to take off the duties on stamps, but by the decision of the Judges the parties, in order to make the stamp binding, should pay 1*l.*; so that they were released from the duty of 3*s.* 4*d.*, and were saddled with 20*s.* When the people were fined 1*l.* for each award in order to make it binding in a country where most of the disputes of the people were decided by award, and the encouragement of which system would tend greatly to check litigation, they were effectively shut out from the facilities of obtaining justice. The noble Lord said, that he took off one half of the spirit license, and this he called a boon to Ireland. But it was in reality an injury; for the effect would be to reduce in the country places the number of licensed houses, and increase the number of illicit stills. Was it a relief to Ireland, to increase the consumption of whisky? The effect, however, would be to increase the consumption in the large towns, where it must be a great evil. It would be no relief to farmers, for the corn would be sold whether the whiskey were lawful or illicit. On the contrary, by introducing facilities for drunkenness it must necessarily check trade and industry. If the noble Lord took off the duty on glass, or abolished the 236,000*l.* duty on that article, he would grant a boon to the people, and consult their health and comfort. That trade was utterly ruined. There were only two glass factories in Ireland, one in Cork, another in Dublin, and he was told one in Waterford, all in a decaying state. It was well to make a distinction between Scotland and Ireland, for the facility of transmission by the introduction of steam, brought Ireland and England in such close connection, that if some protection were not afforded to Ireland she could have no trade.

Mr. Secretary *Rice* said, as far as the country parts of Ireland were concerned, the project of the Chancellor of the Exchequer would prevent illicit distillation, and so far no one could deny that it would be a benefit for Ireland. But the hon. member for Dublin said, that it would increase the consumption in the towns, where it was most desirable that the consumption should be diminished. Now to prevent illicit distillation in the country was going far to prevent the large consumption of whisky in the towns. Illicit distillation in the towns would have the same bad effect as the small stills in the country—so that in proportion as illicit distillation were checked so would most of the evils of drunkenness and its consequences be prevented. It was notorious that illicit distillation grew up under the pressure of high duties. Nothing was attended with more demoralizing and disorganizing consequence than illicit distillation. It arrayed the police and the peasantry, the functionaries of Government and the people, against each other. Even the Magistrates, though they might be called on to crush the system, too often encouraged it, because it enabled the poor tenants to pay a portion of their rents. The great expense of collecting the duty was another great evil. As to the duty on glass in Ireland, the reduction of that duty, if it were made, must be met by a corresponding reduction of the duty in England. At least if that were not the case and the drawback as at present were allowed on exportation it was clear, that the reduction of the duty in Ireland would be of no advantage whatever to that country. If the duty were reduced in Ireland alone and the drawback continued, the glass manufacturers of Ireland would find themselves driven out of the market by the inferior articles exported from England for the sake of the drawback. There were certainly some disadvantages under which the Irish and Scotch laboured with respect to the spirit trade, but as a Committee was appointed to inquire into that subject, and as it was important that justice should be done to both countries, Government would wait until the Committee gave its Report.

Captain *William Gordon* thought, that Scotland had some reason to complain of the course taken by the noble Lord, who proposed to take 1*s.* a gallon off Irish spirits, without any correspondent reduction of the duty on Scotch spirits, notwithstanding the importance of that branch of trade to the agriculture of that country.

Lord *Althorp* said, that, in taking off the tax on farmers' servants under eighteen years of age, his object was not so much to relieve the persons who employed them as to render those servants useful, and to prevent them from the temptations that resulted from their living out of the houses of their employers. In confining the taking off of the window-duties to farmhouses, his object was, to do for the country what he had done for the towns by taking off the House-tax. In the circumstances in which he found the country placed, he thought he was doing right when he took off the House-duty, and, if he could find any means to supply the deficiency that would arise from taking off the duty on glass, he certainly would be glad to remove that duty also. If hon. Gentlemen pressed for so many different reductions, it would be impossible for him to make the reductions he thought would be most beneficial to the country generally. His hon. friend had suggested many reductions. He hoped, and even thought, that he should be enabled to make still further reductions, and he assured the House that he would continue to make reductions as long as he could make them consistently with the public service. He had every hope, that the situation of the country would enable him to reduce taxation still more.

Mr. *Pease* was ready to congratulate the House on the removing of the House-duty; but what he especially rose for was to express his satisfaction at the Budget that had been now introduced. He saw that such reductions had been made as might be expected from a liberal Ministry. The taking off the duty on coals would be a great advantage to trade; but he would say, as far as regarded manufactures, that that duty came two or three years too late. He did not approve of the protection given to English ships that carried coals to foreign countries, for he did not see the use of a heavier duty on coals exported in foreign bottoms.

Mr. *Matthias Attwood* considered, that the noble Lord (the Chancellor of the Exchequer) would have better consulted the interests of the mercantile world by taking off the Stamp-duties on bills of exchange than by any other reduction he had made.

Mr. *James* was glad that the House-tax had been taken off. He was glad when any tax was taken off, but he should be more heartily pleased if he saw the tax upon malt removed. With respect to what had fallen from the right hon. member for Tamworth, he wished to say, that Joint-Stock Banks, the members of which were responsible to the extent of their shares, were far more safe than any private banks could be.

In answer to a question,

Lord *Althorp* stated, that with respect to the unfunded debt, properly so called, there was no increase whatever. There might have been issues of Exchequer-bills for private purposes, but for general purposes there had been no increased issues, at least none that could in any way affect the surplus for the year. The cause of the increased charge for interest for the unfunded debt was, that permanent annuities had been changed into terminable ones. Some had been converted into life annuities; indeed a very considerable sum had been so converted; and this also added to the increased charge.

Mr. *Buckingham* said, that the well-wishers of Ireland would not approve of the reduction that had been made in the duty on Irish whisky.

Mr. *Shaw* also objected to the reduction of the Irish spirit duty, which would be attended with evil, especially in large towns.

Mr. *Robert Wallace* said, that, at that late hour of the night, his observations should be very brief, and confined entirely to what related more particularly to Scotland. He had hoped the time had arrived when a more liberal line of policy would have given place to the existing distinction of duties between the different parts of the empire, but to his surprise and regret he found it to be the intention of the Government still further to widen this distinction, by charging different duties on British spirits made in Ireland and Scotland as well as in England. He would enter his protest against a higher duty being paid in Scotland than in Ireland. It was impossible, with justice to the Scotch agricultural interest, and the immense capital invested in distilleries, to tax the produce of her poorer soil and worse climate, at a higher rate than what is grown in the fertile soil of Ireland. Independent of this, smuggling to an immense extent must be the immediate result. He was intimately acquainted with the facilities existing for this purpose; the shores of the two countries were supplied with innumerable small craft, having harbours and creeks at every turn, which would render it impossible to prevent smuggling the cheaper spirits of Ireland directly into Scotland. He further objected to the raising the price of spirits by an additional charge on licenses only; if additional revenue must be raised upon the sale of spirits, it would be nothing more than just that a portion of it should be paid by the producer of the spirits, as well as by the seller. He would reserve his further remarks until a future time.

Mr. *O'Reilly* thought it would have been better, if, instead of the duty on spirits being reduced 1*s*. a gallon in Ireland, the duties had been equalized throughout the three kingdoms.

Mr. *Ewart* objected to the continuance of the tobacco duty in its present shape, and declared it to be a most unequal and grievous impost.

Mr. *Mark Philips* hoped, that when the noble Lord should have a surplus on a future opportunity, he would remit the duty on raw cotton.

Mr. *Thomas Attwood* concurred in what had fallen from the right hon. member for Tamworth with respect to Joint-Stock banks, which were merely propping and bolstering up an unsound system for a time, while they were preparing the materials for another panic. The Scotch banks had not yet been put to the test; but when they were, they would not pay 20*d*. in the pound. He was convinced, that we were going in the wrong direction, that the country was not prosperous, and that our burthens were too great for our present means. The country was not yet at the extremity of its distress; but when prices were brought down completely to the continental level, then rents and taxes must come down to the same level, or, otherwise, the country could not go on. It was pressed down by its burthens, and either they must be reduced, as well as prices, to the continental level, or the means of the country must be made adequate to bear them.

The Resolutions were agreed to.

The House resumed; the Report to be received.

HOUSE OF LORDS,

Thursday, July 26, 1834.

MINUTES.] Bill. Brought up from the Commons and read a first time:—Suppression of Disturbances (Ireland).

Petition presented. By the Earl of SHAFTESBURY, from an Individual, for the Abolition of Military Flogging.

HOUSE OF COMMONS,

Thursday, July 26, 1834.

MINUTES.] Bill. Read a first time:—Militia Clothing, &c.

Petitions presented. By Mr. OSWALD, from Beith, against the Suppression of Disturbances (Ireland) Bill.—By Lord DALMENY, from Stirling, in favour of the Bankrupts (Scotland) Bill; and by Mr. EVANS, from Fishmongers of London, against allowing the Sale of Fish on the Sabbath.

SUPPRESSION OF DISTURBANCES (IRELAND).] Lord Althorp moved the Third Reading of the Suppression of Disturbances (Ireland) Bill.

Mr. *Ronayne* said, that he had opposed this Bill in every stage from its commencement, and he should continue to contest it to the last. He felt it his duty to struggle strenuously against a Bill which was not only an injury, but an insult to Ireland. He considered this Bill to be at once wanton and vexatious; no case had been made out for its introduction. They had no evidence before them but the Report upon the Table, made up out of the (no doubt disinterested) testimony of stipendiary Magistrates. There were thirty-two Lords-lieutenant of counties in Ireland, and if there existed the overwhelming necessity that had been stated for the passing of this Bill, why not apply to those Gentlemen whose information might be entitled to more weight? However, the Government had failed in this, and had only produced a communication from Lord Oxmantown. In this, however, there was something unique, as upon the occasion of the introduction of the former Bill they had produced a letter from another Lord-lieutenant, Sir P. Bellew. Well, then, the whole of the present case rested upon the opinions of stipendiary Magistrates, and would English gentlemen, with all their boasted notions of liberty, consent to have their country coerced upon the testimony of stipendiary Magistrates? Would they allow the constitution to be suspended, and their best and dearest rights abridged upon a case so utterly unsupported by any evidence worthy of attention in that House? The right hon. the Attorney General had very zealously defended that clause which gave immunity to the police and the military, and had asked with a triumphant air, had not that very clause been objected to when the former Bill was in Committee, and been carried by a large majority? No doubt it had; but he would make the right hon. Gentleman a present of his argument, for every other clause of the Bill had had the sanction of a majority of the House, and he would venture to assert, that if the noble Lord, the Chancellor of the Exchequer, felt it expedient to give up this clause, the right hon. Attorney General himself would be ready enough to find arguments in support of its abandonment. He begged again to call the attention of the House to the sort of evidence upon which the renewal of this Bill was founded; and he would venture to assert, that there was not one in ten of those who were now legislating upon that evidence who had read it. This clause he conceived to be not alone offensive to the people of Ireland, but an insult to the soldiery. Surely this House would not, by renewing this clause, promulgate such a libel upon the British army as to say, that soldiers could not act efficiently in proclaimed districts so long as they continued amenable to the ordinary institutions of the country. There was no force more popular in Ireland than the army, as they had always conducted themselves with propriety towards the people. In many cases they had been a protection to the people from the outrages of the police. He thought, however, that the argument of the right hon. Gentleman was perfectly *felo de se,* as in the first place he contended that it was indispensable for the efficient discharge of their duties that the soldiers should be protected from liability to actions, and again, when pressed by the argument of the hon. and learned member for Dublin and others, he admitted that they were liable to actions, and that the clause only afforded them protection when in the *bonâ-fide* execution of the provisions of this Bill. By the second part of the learned Attorney General's argument, it appeared that an action might be commenced, but that it should be left to a judge and jury to decide whether the defendant was entitled to exemption under this clause. Thus so far did the right hon. Gentleman admit the liability. This argument was inconsistent and at variance with the manifest object of the clause, the intention of which was, to destroy all liability. But even admitting the right of action, who would be mad enough to go to law with a soldier or a serjeant? When a man brought an action, it was usually against some person of property. As to any danger to result to these men from being committed to the ordinary course of justice, it was preposterous to suppose that they would not be perfectly safe in the protection of the loyal devotion of the Judges of the land to the support of constituted authorities and existing institutions. The merciful exercise of their functions by the Crown prosecutors in Ireland, and the judicious management of the clerks of the Crown in the selection of juries in every case where the police were on trial, afforded ample guarantee for the safety and protection of the military and police, without the legislative protection of a clause so revolting and unconstitutional. In the debate of a former evening there was a solitary circumstance that had afforded him and his friends at that side of the House the most unbounded satisfaction. It was the part taken by an honourable and learned member of his own profession, the member for Monaghan, who had given so triumphant a reply to the argument of the Attorney General, and proved that official connection with the Whig Government could not in him extinguish his innate love of country, and acquired attachment to the principles of the Constitution which should ever characterise the members of that profession. With respect to the Bill itself, he contended that there did not exist any necessity whatever for it. All the Judges on the circuits, now very nearly concluded, concurred in congratulating the people of Ireland on the peace and tranquillity which prevailed in the country, and on the unusual absence of crime. He would entreat the House, if it did not think the measure of the most urgent importance to the peace and safety of Ireland—if it did not think it indispensably necessary to the maintenance of public tranquillity—to pause before it passed it into a law. You attempt to coerce Ireland as long as you can, and the result will assuredly be, that you will lose all hold on the hearts and affections of the people of that country. Ireland had gained nothing by the accession of a Whig Government; for, so far as that country is concerned, the Whigs have proved as bad as the Tories. No Tory Government ever proposed such a measure as the present; and if the system which the Whig Administration have hitherto acted on with regard to Ireland be persevered in, the consequence will be, that the people of that country will despair of any good from it; and in that case the result must be serious indeed. On the first occasion, many Members of that House had said, that they supported the Bill then because they relied on the intentions of Government to give Ireland measures of amelioration. Where were those measures of amelioration to be found? No where. Ask Ireland what she had got from the Whigs, and all she could acknowledge was, the Coercion Act. On the last occasion the late Secretary for the Colonies, the great champion of the Bill, urged as a reason for supporting it, that it was so atrociously bad that it could never be brought into precedent. It was now to be seen how little reliance was to be placed on that. They had since refused to affirm the proposition of the hon. member for St. Alban's, and had thus refused to recognise a principle which, for twenty-five years, whilst they occupied those benches under him, they had continually asserted. Ireland had looked to the Whigs as her friends, and by her reliance upon them had been kept from the infidel despair; but now the experience of a Whig Government had led them to believe that Whigs and Tories differed but in name. He would warn them not to persevere in this treatment of Ireland—she would soon become too strong for the coercive system. They had lost America by their spirit of domination and oppression, and they ought to take warning from experience, and not drive Ireland to despair. It was time to abandon that course of despotism and misgovernment. If they did not do so, it would produce results in Ireland similar to those it had produced in America. Entertaining the objections to the Bill which he had now, as well as on former occasions, stated to the House, he would conclude by moving, as an amendment, that the Bill be read a third time this day six months.

Mr. *Ruthven* seconded the Amendment. The Bill was so objectionable, and so uncalled for by the circumstances of the case, that he was resolved to meet it in every stage of its progress throughout that House with the most decided opposition. The Bill ought not to pass, because it was clear that it had not been sanctioned by a united Cabinet. Ireland had often been the victim of the misgovernment of a disunited Ministry, and the circumstances which had lately transpired respecting the bringing forward of this Coercion Bill showed that she was so in this instance. Last year Ireland was persecuted by the Coercion Bill; and this year she was made a plaything of to suit the state of parties in the Ministry and the country. Last year the county of Kilkenny was proclaimed, though it was not pretended that any disturbances existed in it. On what ground, then, was it proclaimed? On the ground that there might be disturbances in it. Why, every county in Ireland might have been proclaimed on the same principle. Because public meetings had been proscribed in Ireland he, on every occasion, used more violent language in Ireland last year than he had ever done before, and than he would have done had not the measure been applied to his native country. He must take that opportunity to complain of the Lord-lieutenants of counties and the Magistrates of Ireland. The latter were the satellites of the former, and were chosen, not because of their fitness for office, but because they secured electioneering influence. The Magistrates were the familiars of the Government inquisition, and, instead of being increased in number, might be swept off in scores.

Mr. *Tower* would vote for the third reading, though with great reluctance, for he regretted, that the state of Ireland should unfortunately be such as to make such a Bill as the present indispensably necessary.

Mr. *Sheil* said, the authority of Lord Wellesley, who rested his opinion on the authority of the police, was the only ground on which this Bill could be sustained. With respect to the police, they might be very fit to execute laws, but very little calculated to enact them. In every Chief Constable Lord Wellesley discovered a Confucius. As to Lord Wellesley himself, the striking things which he had said and done in his earlier political life should protect him from that derision in which there recently had been an indulgence as regarded him. He, for one, condemned the references which had been made to certain dramatic personages in illustration of the senility attributed to the noble Marquess. It was, however, due to truth to say, that he had reached the point of political superannuation. The Whigs had intimated the estimate in which they held him when the Cabinet was constructed in 1830—they had excluded him from the Cabinet; and it was a little anomalous that they should rely on the authority of a man whom they had regarded as incompetent to share with them in their new acquisition of power. Independently of these considerations, it should be remembered that Lord Wellesley had in the East contracted exotic habits of domination; although nature might prevent him from being a tyrant, circumstances had given him a predilection for absolute authority. His conduct, too, upon this very measure had been such as to take away all value from his opinion, for it was evident that he regulated his judgment by the convenience of the Government, and not by the urgency of the evil to which he ought to apply a cure; besides, his whole correspondence had not been published, and how little regard ought to be paid to dispatches which the House knew were at utter variance with the sentiments conveyed in his private communications with Earl Grey. Such proceedings were calculated to bring the mock-royalty of the Castle into disrepute. Were Lord Wellesley a Minister sitting in the House of Lords, he might be brought to task in debate; but, sheltered behind his viceroyalty, he could now with impunity supply the Government with the instruments by which the liberties of Ireland were to be assailed. How inconsistent was the conduct of the Whigs with regard to Lord Wellesley. That nobleman in 1824, when he was ten years younger, had, as Lord-lieutenant, recommended a renewal of the Coercion Bill. The Whigs, and more especially the present Master of the Mint, had treated his opinion with utter disregard. He should be disposed to quote the speech of the Master of the Mint, but that these citations were become of little value, as it now seemed admitted on all hands, that what a man said in opposition was not to regulate his conduct when in power. The contrasts between what men had been on the opposition side of the House, and what they became on the Treasury Bench, were so marked, and there were so many instances of this discrepancy, that what would formerly have been regarded as matter of discredit, was now considered as scarcely worth the public notice. The Bill was divisible into two parts—the predial and the political. It was admitted by the Irish Members that the spirit of outrage must be put down, and that the course recommended by the Queen's County Committee ought in cases of emergency to be adopted. But this Bill went far beyond the advice of that Committee, which reported, that absence from a man's house in a proclaimed district was to be evidence against him when charged with a crime, and become corroboratory of the other proofs of his guilt. Whatever might be said with regard to the necessity of immuring the peasantry in their hovels, no answer had as yet been given to the striking fact, that in no instance has a Special Commission ever failed, and that the uniform opinion of the Judges has been, that the law, if vigorously enforced, was sufficiently strong to put disturbance down. It was also deserving of attention, and should be impressed on English Members, that when parts of England were in a state of commotion as great as any district of Ireland, such remedies had never been resorted to. Take the case of the Luddites for example. No Act such as this was ever proposed, or even dreamed of. Again, in 1830, when incendiarism prevailed to an extent so formidable, was it ever proposed to lock the English peasantry up? What was the remedy proposed? Lord Melbourne, the present Premier, as Home Secretary, suggested that a law should be passed to enable farmers to place spring-guns and man-traps in their back yards. This was the utmost extent to which an English Minister, in dealing with English atrocity, would consent to go; but where Irish crime was concerned, the limits of penalty were at once extended, and a curfew was to be established. His next objection was, that a clause, for which there was no precedent of any kind, that for the immunity of the soldiery, was introduced into this Bill. This part of the Court-martial enactments was retained. No action could be brought against a military man for any outrage he might perpetrate under colour of this Act; but he must be proceeded against by Court-martial; and, with respect to Magistrates, no action could be brought against them unless the Attorney General gave his consent to the prosecution. It was a new device to place the keys of public tribunals in the hands of an Attorney General, and leave the redress of the worst wrongs to his arbitrary caprice. His next objection was to the suspension of the Habeas Corpus Act. No authority—no evidence had been adduced for this measure. If a man was out of his house, why not try him at once for the offence, instead of leaving it in the power of the Crown to keep him in confinement, by a suspension of the great safeguard of personal freedom? Nothing could be more injurious in a free country than the unnecessary abstraction of the rights of individuals even for a brief period. It took away the reverence and sanctity for those privileges of which the value consisted in the respect which was paid them. Accustom the people to see freedom placed in occasional abeyance, and they would at length consent to its extinction. He objected also to the signal clause—a candle lighted in a hovel, or heath on fire on a mountain side, might be converted into matter for accusation. His last objection was to the political part of the Bill. The Government had been compelled to relinquish the first three clauses against public meetings. That was not conceded by their wisdom, but extorted by a fortunate discovery, from their necessities. Still they showed their hankering after the object of their predilection, and did their best to accomplish indirectly, what more openly they could not venture to do. The Lord-lieutenant had the power, by proclaiming a district, to put an end to the right of petitioning. Was it not monstrous, that at this moment, in the city of Kilkenny, which contained a population of upwards of 20,000 people, which had once been the seat of Government, and which was distinguished by the civilization and intelligence of its citizens, no public meeting to petition Parliament for the redress of grievances—of palpable and undisputed grievances could be held? The Government had by this, and other details of the Bill, rendered it most obnoxious to the Irish people. Had Ministers contented themselves with a measure for the suppression of local outrages, the Irish public would not have repudiated the measure; but they went beyond the necessity of the case, and, with some mitigations, renewed the Coercion Bill. They had no great reason to plume themselves on the results of that Bill, nor to recall the public memory to its enactments. It had caused the downfall of Earl Grey. The measure before the House was a chip of that block on which the Cabinet had been beheaded; but although Earl Grey was severed from the trunk, he had left his "right arm," in the person of the noble Lord behind. Earl Grey imagined that his "right arm" had been cut off; but, here it was animated by a sort of galvanic vitality. The noble Lord was returned to office, pledged to sustain the principles of Reform; but he adopted a peculiar mode of carrying them into effect, by insisting on a Bill, which, on his own confession, was a violation of the rights of British citizens, and an offence to the Constitution. The noble Lord and his colleagues had been recently made the theme of panegyric, but let it not be forgotten, that five of the Cabinet, after protesting against the Coercion Bill, had given way to a small majority of their body. In truth, there were some circumstances connected with recent transactions which must excite feelings of pain and sorrow. He could not help regretting that a man so illustrious as Earl Grey should have arrived at a termination of his career so little corresponding with the splendor of his former days. He could not help regretting that that noble Earl's political career should have been put an end to by a Bill which had suspended the liberties of the people. But the circumstance which he had stated—that five members of the Cabinet had been induced for the purpose of preventing a dissolution of the Cabinet to sacrifice the Constitution—was a prominent fact, which ought never to be lost sight of. It was thus that the liberties of the people of Ireland were sacrificed to the retention of office. The Constitution was put into one scale—the Cabinet into the other; and after the balance had wavered for a moment, the Cabinet preponderated, and the Constitution was seen to kick the beam. The Government had repented of that; and for that repentance credit ought to be given to them, so far as it was sincere. He was not disposed to quarrel with the change; but he trusted that, again in possession of power, they would make amends by the measures which they adopted for the mistake of which they had been guilty. The noble Lord had been called back by the voice of many Members of that House, as well as by the will of the Sovereign, to the situation which he held—he had been called on to follow up the principles of Reform; and he trusted that he would follow them up by better measures than the extinction of constitutional liberties, the suspension of the Habeas Corpus Act, and the gift of immunity to soldiers for whatever offence they might commit.

The House divided on the original question: Ayes 82; Noes 21—Majority 61.

List of the NOES.

Blake, M. J.
Buckingham, J. S.
Callaghan, D.
Grattan, H.
Kennedy, J.
Lynch, A. H.
Nagle, Sir R.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Connell, M.
O'Dwyer, A. C.
O'Reilly, W.
Perrin, L.
Roche, W.
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Sullivan, R.
Vigors, N. A.
Waddy, C.
Walker, C. A.

The Bill was read a third time.

Mr. *O'Connell* moved a Clause to the effect, "That no provision of this Act should prevent Officers and others committing Offences in the execution of this Act, from being proceeded against before civil tribunals." By the 28th section of the Act, Courts of Common-law would have power to shut out a Jury from deciding on a cause, and at once to stop the action:—there could be no appeal from such an order, because it was summary, and there was no mode of questioning it in any superior Court. There were some offences liable by Court-martial, and over which they had a sole exclusive jurisdiction; but this was the first time that any provision had been introduced into any Act of either country, for the trial of civil offences by Courts-martial, and for the vindication of civil rights by the same tribunal. The attempt stood isolated and alone—it was the first and ought to be the last; and he trusted that the good sense and feeling of the noble Lord opposite would prevail, and that this most preposterous and obnoxious clause would not be allowed to continue. The clause which he proposed did not touch those offences which might properly be tried by Courts-martial; all that it did was to leave to the Common-law tribunals, the trial of offences committed by the soldiers against the people. He did not wish to take any legal protection from the military, or even to limit it; he was content that they should have as much protection as could be given to them; but let it be given to them before the Judges and the Juries of the land. The Act first indemnified the soldiers from any action or trial, except by Courts-martial, and then indemnified everybody else engaged in its execution—securing all who were not officers or soldiers from being proceeded against unless the Attorney General should think fit. Was not that a monstrous extent of protection? Could anything be more outrageous? Look only at the recent instance of the conduct of the police, which was commented on yesterday by the hon. member for Sligo—the affair at Croom, in which an aged beggar-man and a young man, while crying for mercy, were shot by the police. He knew the facts long ago, but he would not bring them before the House till the case was tried. The hon. member for Sligo stated, that it was tried before Mr. Baron Pennefather, and that he had severely censured the conduct of Mr. Lyons, the Magistrate, who was concerned in it. But Mr. Baron Pennefather did not try the case at all; it was tried by a gentleman making his first essay of the duties of a Judge—the Solicitor General, Mr. Crampton. As to the Magistrate, Mr. Lyons, upon whom he passed so grave a censure, no man could have acted with more prudence or moderation than he did; he placed the police in the barracks, and remained in the fair for fourteen hours; he then went to his dinner for a short time, and the first object which met his view when he came back, was an aged beggar-man lying dead, with his brains scattered about on the pavement. When he went up, the Sergeant of Police said, that the men had fired without any necessity, and without orders, and he then ordered them back to the barracks; they were returning and bringing with them their prisoner; the mob shouted; two policemen singled out a young man—pursued him into a lane, and shot him dead. Because Mr. Lyons carried on a prosecution against the policemen for that horrible murder, and assisted the poor people in their endeavours to obtain justice, the Solicitor General censured him! If an offence such as this had occurred in a disturbed district, nobody could prosecute the murderer without the consent of the Attorney General. He submitted to the House, that the indemnity which the Act extended ought not to be allowed; and he hoped, therefore, that they would see the propriety of adopting the clause which he proposed.

The *Attorney General* said, it was necessary, in his vindication, to make a few observations on this clause. It seemed to him, on mature deliberation, that the clause was not liable to the objections urged against it by the hon. and learned Member. Two questions were for consideration:—what was the just construction of the clause, and whether it ought to remain part of the Bill? As to the construction, he would venture to say, that no two lawyers who read it, and gave it a candid consideration, could come to a different conclusion; and he was happy to think, that his hon. and learned friend, the member for Monaghan, although he disapproved of the clause, agreed with him n the construction which he placed upon it. That construction was of this kind—that it gave protection for acts done *bona fide*, under a reasonable belief that the party doing them was justified in what he did by the powers which this Statute conferred, although he might exceed them. It would be wholly nugatory unless the protection it afforded were applied to cases in which the law was actually transgressed; because where it was not transgressed, no protection was needed—it was only when unintentional mistakes were committed for which otherwise the party would be subject to the penalties of the law, that it was given him. He had looked anxiously to the law authorities on this subject; but he would not trouble the House with more than one or two cases in which the point at issue had been expressly determined. First, with regard to cases in which the party transgressing the law would have been liable—but for the protection—to an action. This was the case of Graves *v.* Almond, which was tried before Lord Ellenborough. The Act of Parliament gave power to constables to take up all persons guilty of any breach of the peace, and said that no action should be brought for anything done in pursuance of its power and authority, without notice being given. A watchman took up a man who broke a lamp; but he had not seen the man break the lamp, and not having seen the act committed, he was not justified in taking him up and imprisoning him. An action was accordingly brought against him for false imprisonment, but Lord Ellenborough held that he was privileged—no notice having been given, and he being entitled to it, as he believed himself to be exercising the powers conferred by the Statute, though in point of fact he was not justified by the Statute, in the act which he committed. There was also the case of Weller *v.* Tyke, in which an order had been made by one Justice in a bastardy case under which a man was imprisoned; whereas, it was well known that the Statute of Elizabeth gives that power only to two Justices. An action was accordingly brought; and Lord Ellenborough held, that though the act committed could not be said to have been done by virtue of his office, yet the subject-matter was within his jurisdiction, and he intended to act correctly as a Magistrate, though he was mistaken. With regard to the case of exceeding the powers of the Act when the party had no reasonable ground for believing that he was acting within them; the hon. and learned Member, in the heat of debate, said the other night, that the protection would extend to any outrage, however wanton, that could be committed; and that if an officer were to compel any female indecently to expose herself to the gaze of his soldiers, no proceedings could be had against him, sheltered as he would be by this protection. It would not shelter him; for not only must he believe that the act which he was doing was within the powers of the Act, in order to entitle himself to the protection, but he must have reasonable ground for entertaining that belief, as the Court of King's Bench had decided in the case of Cook and Lennard. There existed a local Act relating to the town of Stroud, which gave authority to the constables to remove all nuisances upon the streets. There was a wild beast exhibiting in the streets, and, while it remained in the streets, it was a nuisance. A constable was accordingly commissioned to remove the nuisance; but before he could take measures for the capture, the animal was safely lodged in a stable. The constable proceeded to that place, and insisted on the removal of the beast; but the parties to whom it belonged refused to comply with his order, alleging that the beast was perfectly quiet, and could not then be considered as a nuisance. The constable, nevertheless, assaulted the owners of the animal, and an action being brought, the question arose, whether the constable had any reasonable grounds for believing that he had a right to remove the nuisance, and that he was acting in pursuance of the Act of Parliament. Mr. Justice Bayley held that the constable was not acting in pursuance of the Act; for although he might have believed that he was so acting, he had no reasonable ground for entertaining that belief. The other Judges concurred, and it was determined, therefore, that the privilege did not extend to this case. The authorities which he had cited were sufficient to bear him out in the construction which he had put on the clause in question, and in which he believed all lawyers would agree. He admitted, that very extensive powers were given by this Act, and that considerable protection was given to those whose painful duty it would be to carry it into effect; but at the same time, he was conscious that the state of Ireland required the application of strong coercive measures; and he therefore trusted that the House would agree with him, that the clauses which the hon. and learned member for Dublin objected to, ought to stand part of the Bill. The hon. and learned member for Dublin had talked of the profits which would accrue to the Irish Attorney General under the operation of this Bill. The hon. and learned Gentleman was mistaken. A source of profit it would not be to any of the Law Officers of the Crown. For his part, he could say, that he had had neither pleasure nor profit from any share that he had had in framing the Coercion Bill. He had acted only in the discharge of a very painful duty, and most happy should he be if, in his conscience, he could believe that no such measure was required for Ireland.

Colonel *Perceval* rose, not so much to give his opinion on the utility of the clauses, as to set himself right with the House respecting the statement he had made the day before, from a Limerick newspaper. He spoke to the hon. and learned member for Dublin, and the hon. and learned Member's account of the facts of the case differed from what the newspaper which he had given as his authority alleged.

Mr. *O'Reilly* rose to order. The hon. Member was not speaking to the subject before the House.

Colonel *Perceval* said, that those who lived in glass-houses ought not to throw stones. The hon. Member was himself egregiously out of order in interrupting him. He should examine into the facts of the case, and if it turned out that what he had stated was correct, he should give notice of a Motion on the subject.

Mr. Serjeant *Perrin* objected to the 28th Clause, considering that it was unnecessary, that it would be liable to abuse, and that it would encourage a licentious army in outrages upon the people. The Attorney General, who had discussed the matter as a question of law, had not shown the House the meaning of the words "in pursuance of or execution of this Act.' In the 38th section, which related to "acts done in pursuance of this Act without the proclaimed districts," he found the following proviso—"If a verdict shall be given for the plaintiff in any action brought against a Magistrate or officer for what he has done under the authority of this Act, and if it shall appear that he had probable cause for the measures which he adopted, the said verdict shall be reduced." The House would therefore see what kind of protection was afforded to every person, whether civil or military, who acted in pursuance or execution of the Act. Let the House reflect upon the almost unlimited power of proceeding which was afforded to those acting under the authority of the Act. One of the sections was to this effect:—"And be it enacted, that all Justices of the peace, constables, and commissioned officers, are hereby required to take the most efficient measures, according to law, to repress the disturbances which may prevail in any district;" "and to detain every person charged with any of the offences set out in this Act." All military men acting under the Act were to be protected for any misconduct which they might commit in executing the powers of the Act. The military were frequently called upon to use violence or repel force, and in such encounters the loss of life and destruction of property, which sometimes ensued to a considerable extent, threw much criminality upon the proceedings of those who were armed with the powers of the law; and yet the House was now about to pronounce that a standing army ought to be placed without the pale and beyond the control of the laws of the country—that the military who committed outrages, however gross they might be, ought to be tried, not by the civil tribunals, but by their superior officers. The standing army had always been an object of jealousy to the constitution, but never, until the proposal of this Bill, had they been so completely exempted from all control of the civil power, and actually empowered to trample upon the liberties of the people. According to his construction of the Act, a soldier whose indiscretion or violent passions might cause him to commit an act which amounted to murder would be tried by a Court-martial, and would be liable to the punishment of death; but what necessity was there for thus dispensing with the ordinary laws, and removing his trial from the constituted tribunals of the country? Was there any danger to be apprehended from the civil courts? Had not the defendant the protection of the Grand Jury in the first place, then of the Petty Jury, and then of the Judge? and if each of these parties combined to do injustice, was not the prerogative of mercy vested in the Crown, upon which he could confidently rely? If it were just to proceed in Ireland without any regard to the principles of the constitution, would it not be equally as just to adopt the same course in Birmingham, in Bristol, or any other part of England? Let him know what reason there was for throwing on one side the civil tribunals? It had not been suggested that the Grand Jury were disposed to find untruly, or that the Judge and Juries would not act with impartiality: it had not been denied, that the Crown had the power of correcting any error that might take place, or the Attorney General the privilege of entering a *nolle prosequi.* But the protection afforded to military men was not the only point of which he had to complain. By the second clause it was provided, that "all justices of the peace, police officers, and others, save and except military men, who act under the authority of this Act, shall not be liable to be prosecuted in any court of criminal jurisdiction, except under the warrant of the Attorney General." No matter what misconduct a constable might be guilty of in the execution of what he conceived to be the powers of the Act—no matter to what extent he might go in the destruction of property and the abuse of civil liberty—he was still not to be answerable for the commission of such offences, except by a prosecution directed by the Attorney General. Was it not monstrous that such a privilege should be accorded to men who were by no means of the most moderate character—that they should be encouraged to act with the most perfect impunity—while the industrious householder must submit to have his life placed in jeopardy, and his property destroyed, without power to bring the offenders to account, except by a tedious and unusual process of law? An officer might conceive that he had a right to break into a man's house in order to apprehend some one who had offended against this Act, but the criminal might be absent, and an innocent individual might be apprehended in his stead, and deprived of his liberty for a considerable period. But was that innocent individual to have no claim to compensation? Was he to be entirely deprived of the benefit of the laws? Could not they afford adequate protection to an officer without an infringement of the rights of the people? Why, the Act provided, that if a verdict was returned against a Magistrate, or officer, who had acted in execution of the Act, and if the Judge certified, that there was reasonable or probable cause for what the defendant did, the damages should not exceed 6*d.* and there should be no more costs than damages. Without depriving the injured man of the protection of the law, and without placing the offender at the mercy of excited jurymen, they had here a protection which was undoubtedly sufficient for the full protection of the magistracy and constabulary force in the execution of their duty. It was indeed said, that the Attorney General would never refuse his warrant on any reasonable application, but that he would investigate with patience and impartiality the circumstances of every case brought under his consideration. Such might be the opinion in England, but cross the Channel, and it would be found that there was not a more bitter and general cause of complaint than the manner in which the Crown prosecutions were conducted. It was impossible to give an idea of the general astonishment and disgust which were created at the last Assizes for Kildare, by the circumstance that every Roman Catholic on the Jury, and every gentleman connected by consanguinity with persons of that persuasion, were challenged and set aside. The very same scene took place in Carlow, and he was justified by the general feeling of the community in declaring, that no confidence would be placed in his Majesty's Attorney General in Ireland. In conclusion, he entered his protest against the clause in question, as introducing a most unconstitutional mode of proceeding, for which there was no necessity, and which would tend to give a license to misconduct, and an encouragement to outrage and oppression.

Lord *Althorp* observed, that setting aside all irrelevant considerations, the question for the House to determine was, the expediency and propriety of the enactment proposed. And, first, with respect to the military part of the subject; the question was, whether for acts done, *bona fide,* in the execution of what they believed to be their duty, the military should be protected from trial by civil or criminal courts, and the investigation of their conduct confined to military tribunals? The question was not one of general principles, as the hon. and learned Gentleman who had just spoken had treated it. It had reference merely to a particular district, proclaimed by the Lord-lieutenant, which proclamation was a sufficient indication, that in that district the ordinary law was not sufficient to preserve the public peace. The question was whether in such a district as this it was expedient to apply the arbitrary principles of the present law—a district in which the proclamation of the Lord-lieutenant testified that not even public meetings for the purpose of petitioning Parliament could be safely held. The question was, whether, in such a country, it was not expedient to protect the military, when acting *bona fide* in what they conceived to be the due execution of the law, from the jurisdiction of the civil courts, partaking, as those courts necessarily must, of the excitement by which they were surrounded? It appeared to him, that it would be to place the military in a most invidious and painful situation, if they were to be called upon to do their duty in such a district, and under such circumstances, and then having done their duty to the best of their ability, to subject their conduct to the decision of a Jury, placed in a situation in which impartiality was not to be expected. Unquestionably, if it were proposed to apply such provisions as the present law contained to any country which was not in such a state of excitement as Ireland was at present, he should cordially join with the hon. and learned Gentleman who had just spoken, in resisting the proposition. As it was, however, it was his decided opinion that Parliament would not do justice to the military who were engaged in the painful duty of suppressing disturbances in Ireland, if they did not afford them the protection proposed by the present Bill. He now came to the other part of the clause, that which applied to the civil power employed in the execution of the law. By the clause, persons exercising that civil power were not to be subjected to a civil action or a criminal prosecution, except by the warrant of the Attorney General. Perhaps it would be said, that the Attorney General might act improperly. That might be a very good ground for a personal accusation of the individual; that might be a very good ground for his removal from office; but surely they ought to presume that an Attorney General, to whom such a power was intrusted, would exercise it properly. If they did not give this power, what would be the consequence? That the officers who acted under the Bill would be liable to be tried at a time when impartiality would probably be excluded, and when passion and not judgment would guide the decision. The hon. and learned Gentleman had alluded to the mercy of the Crown, but he was satisfied that it would be unjust to place the authorities who acted in pursuance of this Bill within the reach of party feeling, and then to trust to the mercy of the Crown for their escape. In conclusion, he must state his conviction that there was no danger of the powers of this Act being abused, and that it was imperative upon them to give protection to those persons who were called upon to perform an important duty, which must subject them to considerable odium and prejudice.

Mr. *Lynch* contended, that the argument of the noble Lord went the whole extent of saying, that the military should go altogether unpunished, in consequence of the difficulties of the situation in which they would be placed. The noble Lord, no doubt, dissented from that proposition. Such was the effect of the noble Lord's argument; for if these officers, non-commissioned officers, and soldiers, acted in strict conformity to and in pursuance of the Act, where was the occasion of withdrawing their responsibility from the ordinary tribunals of the land? But, said the noble Lord, they would be placed in a difficult situation in a proclaimed district, and, therefore, they should not be responsible to the common tribunals, but to Courts-martial. Must not that be on the supposition that Courts-martial would look upon their conduct in a light different from that by which it would be viewed by Juries and the Judges of the land? If not, where was the necessity for the clause? But, in point of fact, such was the object of the clause; and, upon that ground, he protested against it. Besides, he doubted considerably whether all remedy was not taken away from the party aggrieved by means of this clause. He (Mr. Lynch) had taken the liberty the other evening of stating what he conceived to be the law upon the subject; and he was happy to find that the cases then stated by the Attorney General bore out his statement of the law, which was, that if these individuals exceeded their jurisdiction, or did anything not authorised by the Act, they would be amenable to the ordinary tribunals; but if, acting under the authority of the Act, they should abuse that authority, they would be only responsible to Courts-martial. By the Act commissioned officers were authorised to arrest and detain in proclaimed districts. Let the House suppose that they wantonly exercised that power by using undue violence, by breaking open doors or windows, by damaging property, by striking or wounding individuals, by using them when in custody with uncalled-for and wanton severity—such acts, according to the clause, were not to be questioned in any Court, Civil or Criminal; and if proceedings were taken in such Courts, such proceedings might be stopped, not in the usual way, by plea, upon which issue might be taken, and the question whether the officers were acting in pursuance of the Act or not determined by a Jury. But these proceedings were to be stopped by a summary application to be made to a Judge, against which he also protested. By the Act they were to be responsible to Courts-martial "to be holden under any Statute in force for holding Courts-martial, by which Courts-martial respectively they shall be liable to be tried and punished for any offence against the Articles of War, under any law then in force for such purposes; and such Courts-martial respectively shall have full and exclusive cognizance of all such matters and things which shall be objected against such officers, non-commissioned officers, and soldiers respectively, and proceedings shall be had thereon in the same manner as for offences against the Articles of War, and not otherwise." Now, the abuse of authority under this Act was not an offence against the Articles of War, but might be a violence or offence against the person, estate, or property of his Majesty's subjects; and, by the 14th section of the Mutiny Act, officers, non-commissioned officers, and soldiers, accused of any capital crime, or of any violence or offence against the person, estate, or effects, of any of his Majesty's subjects, shall be delivered over to the common tribunals of the land. The clause, therefore, in question, was altogether contradictory to, and inconsistent with, the 14th section of the Mutiny Act, which was not repealed. He would like to have, on that point, the opinion of his Majesty's Judge Advocate, who he was sorry not to see in his place. He might be wrong. It might be said, that this section in effect repealed the 14th section of the Mutiny Act, but the question was well worthy of consideration; and he certainly feared, that with those two inconsistent clauses, the Courts-martial would have a good pretext for saying, that they had no jurisdiction, and in which case there would be no remedy whatsoever. He then asked, was this a situation in which to place the liberties of the subjects, the security of their habitations, and the safety of their property? Besides, no redress, no damages could be awarded to the party aggrieved. The party offending, if such jurisdiction were at all given, might be punished according to military discipline; but what satisfaction would that be to the party who might be wantonly and inhumanly treated, or whose habitation might be invaded, or whose property might be damaged? The noble Lord said, that the military would be placed in a difficult position, and, therefore, they should not be oppressed by proceedings in the common tribunals; but if the noble Lord went so far, how much further would the Courts-martial be inclined to go in favour of officers and soldiers of their own regiments? One might suppose from the speech of the noble Lord, that the military were never before employed in Ireland. He asked if they were not employed under the Insurrection Act, and whether such a clause as this was ever introduced before into any Act of Parliament? He asked what injustice was done—what inconvenience was felt by the military without this clause? Then why should it be introduced into this Act. One of the defences made in favour of the Act last year was its monstrosity in legislation. On that ground, and on that ground alone, could this clause be defended. But the Act was not now defended upon such ground, and, therefore, he (Mr. L.) contended, that this clause should be omitted. With respect to the second part of this clause—that no proceedings should be taken against any Justice of the Peace, policeman, or other persons, besides officers, non-commissioned officers, and soldiers, except under the warrant of his Majesty's Attorney General—he looked upon it as more objectionable than the first part of the clause. It was placing the liberties of the Irish people at the disposal of his Majesty's Attorney General. He would not condescend to argue the question in reference to any particular Attorney General; he objected to it on principle, and he protested as strongly as he could against the despotism it conferred. There was a contradiction, besides, which he could not help noticing; Magistrates, Peace Officers, and others might be proceeded against out of the proclaimed districts, in respect to things done by them under the Act without the warrant of his Majesty's Attorney General. He asked why it was that any distinction should be made as to a proclaimed district? Would not the people of Ireland look upon it that a shield was thereby thrown over such Peace Officers and others, to prevent their being amenable to the ordinary tribunals of the land? He asked, was that right or just? He asked, if sufficient protection was not given to the Magistrate, by the notice necessary to be given previously to the bringing of the action—by the liberty given to the Judge, to certify that there was probable cause in case a verdict should pass against the defendant—and treble damages being given in case the verdict should pass against the plaintiff. Upon these grounds he looked upon this clause, not as a clause of indemnity, but of impunity, and, therefore, he supported the Motion of his hon. friend the member for Dublin.

Mr. *Tancred* supported the clause. It was but fitting that they should give those parties who acted *bona fide* under this Bill, an assurance that any small transgressions would not be visited with severity. Unless they did so, how would they get men to act with firmness and decision?

Mr. *O'Reilly* observed, that the right hon. Gentlemen opposite took credit for omitting the Court-martial clause, and yet they still retained a clause of the most objectionable character. If the noble Lord believed that the Juries in disturbed districts would be partial and guided by their passions, must he not on the same principle anticipate an undue leniency on the part of the Courts-martial? They would be composed of officers acting in the disturbed districts, irritated by the resistance they met, and, therefore, disposed to make improper allowances for the excesses of privates.

Mr. *Shaw* said, that he thought the conduct of the Irish Law Officers, who were unrepresented in that House, had not been very fairly dealt with by hon. Members who had preceded him, particularly as those were also learned Members, who probably were very willing to take the places of those Gentlemen to whose prejudice their observations had been made. For his part, it was but justice in him to say, that he himself had had some judicial experience of the manner in which Crown prosecutions were conducted in Ireland, and he must bear testimony to the general discretion, forbearance, and consideration for the rights of the accused parties, with which they were carried on. As he had not before had an opportunity of offering any opinion on the Bill then under discussion, he hoped the House would allow him to say a few words expressive of his entire dissent from, and earnestly protesting against the principle his Majesty's Ministers had adopted with reference to it. It had been observed in the previous part of the debate, but contrary to the fact, that the objection he (Mr. Shaw), and those friends about him had to the measure was—that it was not sufficiently penal and unconstitutional. This he denied. So far from it, he was one of those who had always maintained—that if there was in Ireland a Government that would act with firmness and decision—yet, at the same time, with moderation, there would be no necessity for any Coercion Act. He was, nevertheless, generally speaking, unwilling to refuse to a Government such powers as they said were necessary for the maintenance of the public peace; and still more so, to force upon them extraordinary and extra constitutional powers which they did not require; but, in either case, it was essential that one should be able to put some reliance in the statements of Government, and, he would ask, how any person could place confidence in those of the present Government; who, within the last fortnight, had assured the House that the whole measure they then introduced was necessary, nay, farther, that those clauses were the most indispensably necessary which they had since struck out? Was it possible, then, to put any faith in the declaration of such a Government, even as to the necessity of the powers they now retained? Moreover, no necessity could warrant injustice; and could that Bill, in the hands of the present Government, by any possibility avoid the character of injustice, partiality, and oppression? For be it observed that the Government could not now put themselves in the same situation as if they had originally omitted the agitation clauses. After having, from the speech from the Throne down to the latest moment, in the speeches of the right hon. Secretary for Ireland and other members of the Cabinet, affirmed the principle of those clauses—and still more emphatically in the despatch of Lord Wellesley, which stated, that he could not employ words of sufficient strength to draw attention to the "intimate connection between the system of agitation and its inevitable consequence, the system of combination leading to violence and outrage; that they were inseparably cause and effect, and that by no effort of his understanding could they be separated one from the other in that unbroken chain of indissoluble connection;"—was there any person, either in or out of that House, who believed that those opinions, so deliberately given and acted upon by his Majesty's Ministers, had really been uttered?—not one. But all knew right well that their opinions and jndgments had been merely sacrificed to considerations of official convenience—of temporising expediency, and in a spirit of the meanest subserviency to the hon. and learned member for Dublin. They were told that Lord Wellesley, in the end of June, had said, that he could do without the three clauses; but they were not told what was the communication which led to that statement, nor in what manner the statement itself was qualified. But, forsooth, the communication was private and confidential. He respected, as much as any man, the sanctity of a confidential communication—but then it would not do to blow hot and cold in the same breath. The communication either was confidential or it was not, and by the present Cabinet it had not been acted upon as either. The noble Earl who has been driven from the head of the Cabinet by the intrigues practised with respect to this question, had every right to refuse the production of the correspondence, as private and confidential, because he had all along acted upon it as such. His conduct in reference to it was honourable, straightforward, and intelligible; but how different was that of his colleagues, who violated the confidence he had reposed in them, so far as served their purpose, by disclosing so much as made for them, and then they sheltered themselves under the pretext of confidence, in suppressing all that would make against them. The consequence was, that which always followed a suppression of the truth; each person indulged their own surmise, and drew from the transaction what they considered the most natural and just inference—for example, he had not the least doubt that whoever concocted the letter to Lord Wellesley on this side of the water—in substance it stated—that it was impossible to controvert the facts upon which he relied, or to dispute the force of his reasoning upon them. Admitting, then, that the evil would be very great, of expunging the clauses which restrained political agitation; the letter, in all probability, went on to observe that in the first place it was to be recollected, that it was only Ireland that was in question, which the present Government had already found a ready theatre, wherein to try their hands on new experiments. That besides, however great the evil might be of endangering the public peace there, it would be an incomparably greater evil to disturb the little remaining peace of the Cabinet at this side of the water; which, by the way, could not be done without exposing individuals of the Government who had been carrying on secret negotiations behind the back of their Premier, and, above all, the most pathetic appeal must have been made on behalf of the right hon. Gentleman the Secretary for Ireland; and the great calamity pictured which must befal the country, if in an evil hour the newly formed alliance between him and the hon. and learned member for Dublin (Mr. O'Connell) should be in any degree impaired. No doubt it was represented in what perfect leading-strings the right hon. Secretary held the hon. and learned member, causing the hon. and learned Member to support the right hon. Secretary when he pleased, and to offer him a gentle or sham opposition, when it better suited their double purpose—the right hon. Gentleman urging upon the Lord-lieutenant an opinion which he seemed fully to have impressed upon his own mind, that there was no Member of the House, except the right hon. Gentleman, who was possessed of sufficient depth, wisdom, prudence, and discretion, to manage the honourable and learned member for Dublin. He believed it was Swift who said, "All sublunary bliss consists in being well deceived;" and he certainly must say, that no human being was ever better deceived than the right hon. Gentleman was, if he enjoyed the felicity of thinking that he was the manager instead of the managed of the hon. and learned Gentleman—in short, he was persuaded that the mysterious correspondence, so frequently alluded to, amounted in effect to neither more nor less than this—an assurance from this side that, however much the clauses against agitation were required, they could not be granted (and that from motives not having the slightest reference to the peace or welfare of Ireland), and then an answer from the other, that if the clauses could not be granted, they must do as well as they could without them in Ireland. But were these grounds upon which the Government could expect the support of any honourable or upright man? He should be ashamed to give his sanction to a principle so partial, oppressive, and unjust, as that upon which the Government were acting. He might be regarded as violent or prejudiced in his political opinions, but in all that related to the administration of the law, he trusted he was above the suspicion of leaning to wealth, or influence, or power, or of being swayed by any party or political consideration. The present Government had a great deal of liberty and equal rights of the people on their lips—but here they were adopting the doctrine which he had frequently heard them denounce—of having one law for the rich, and another for the poor. The mere instrument in crime was to be punished, and the principal to escape with impunity. The liberty of the poor and humble man was to be restrained—while unbridled license was to be allowed to the educated and better informed, and the deep-designing disturber of the public peace was to be permitted to riot in all the excess of agitation—enjoying both its pleasures and its profits — while the whole weight of its penalties was to fall upon the miserable dupes—the poor deluded instruments of that very system which he was, by the course adopted on this Bill, encouraged to pursue. Was it possible that the right hon. Gentleman was so blind and infatuated as not to anticipate the consequences which must ensue—the effect that would be produced in the minds of all classes of his Majesty's subjects in Ireland? He verily believed, that if the right hon. Gentleman had the courage to return in his official capacity to that country, he would find, that there was not a Gentleman, nor an intelligent, sober-minded, or thinking person of any party, politics, or persuasion, who would not be unanimous in the opinion, that there was no one thing in existence more despicable or more despised than that thing nick-named the Government of Ireland. In saying this, he entirely excluded the noble Marquess who was nominally at the head of that Government; for recent events had sufficiently proved, that his opinions and his wishes were disregarded through the influence of a distant secret conclave who virtually managed the affairs of that country. He (Mr. Shaw) warned his Majesty's Ministers, that the measure would end in failure as regarded itself—would bring the utterest contempt on their Government, and, together with other recent proceedings of theirs, tend to induce a disrespect for all law and all authority in Ireland. He (Mr. Shaw) would give no vote on the occasion, but leave his Majesty's Ministers to drag themselves through the mire of inconsistency, injustice and meanness, into which their conduct in respect of that Bill had deservedly plunged them.

Mr. *Littleton* said: The House are aware that the duties of the office which the hon. and learned Gentleman holds, frequently calls him to Dublin, and that on such occasions he is in the habit of dining at the Sheriff's dinners, and giving free vent to the out-pourings of the spirit of the party to which he belongs. Now, I have no objection to his remaining in Dublin altogether; and I think the House will agree with me that he ought to do so, if he continues in the situation which he now holds. It is the hon. and learned Gentleman's practice, at least once in every Session, to furnish the House with a *rechauffé* of the out-pourings of his political inspirations at those dinners; and I suppose the vituperation and invective in which he has now dealt have been resorted to merely in pursuance of this custom. I will say, that the hon. and learned Gentleman's judicial conduct merits approbation; but when he takes upon himself the character of his own eulogist, I think he would have shown more discretion, when speaking of the conduct of others, if he had been a little more impartial, and exhibited a little more evenness of temper in his observations than he has done. If, however, the hon. and learned Gentleman thinks that he can hurt the feelings of others by the intemperate and violent language in which he has indulged, he will find himself mistaken; for, as far as I am concerned, I shall not notice the hon. and learned Gentleman's violent speech, but treat all such expressions with the contempt which they merit.

Mr. *Cutlar Fergusson* said, it was amusing to hear the attack, which, in the fury of faction, the hon. and learned Gentleman had made upon the present Government. The present Government need not fear the attacks of either that hon. Member, or the party to which he belonged. The object of the present Ministers was to give peace and tranquillity to Ireland. That party which assailed them, had for three hundred years produced nothing in Ireland but oppression, tyranny, and blood. The object of that contemptible and wicked faction had been to oppress and spoliate Ireland in every way they could, and in the perpetration of their guilty purpose they had been appalled by no shame, and restrained by no remorse. In no instance had they been moderate or conciliating. The hon. Gentleman had called the Government of Ireland mean, base, and contemptible; but then, as if recollecting himself, he had made an exception in favour of the Lord-lieutenant. But the hon. Member forgot that he still accused the Lord-lieutenant of the baseness of handing over his powers to other hands. He begged to tell the hon. Gentleman, that the Lord-lieutenant could as well afford to dispense with his praise, as to disregard his censure. It was most unfair to attribute to the Marquess Wellesley the meanness of handing over the Government of Ireland to the conduct of others. He had voted against the Court-martial clauses; but he thought that the Bill, as it at present stood, was calculated to preserve the peace of Ireland, and should be hailed as a boon by the friends of peace in Ireland. It would have been as well if the hon. and learned Recorder, instead of abusing the Government for a change of opinion, had applied himself to the real question before the House.

Mr. *O'Dwyer* said, that he believed the hon. and learned Gentleman had, by this time, discovered that he was not at a Sheriff's dinner. He thought, also, that the hon. Member had made another discovery, that language, which was hailed with such delight amid the carousals of the loyal and very Protestant Corporation of Dublin, was not entitled to the slightest consideration in that House. The right hon. Secretary had referred to a speech recently delivered at a Sheriff's dinner. It happened, that by accident he had then in his pocket the last speech delivered by the hon. and learned Gentleman at the identical Sheriff's dinner referred to. It would be well for the House to listen to the post-prandial opinions delivered amidst Bacchanal applause by the hon. and learned Gentleman, and to compare them with those sentiments which he had now uttered in all the solemnity of his meridian politics. After some prefatory violence—the hon. and learned Gentleman proceeded to say—"I will not conceal my opinion, that at this moment we are approaching a crisis of revolution, and that all my predictions are about to be verified." What an innocent prophecy for a Recorder! The hon. Gentleman further said—"In any crisis, the party to which we belong would take office most reluctantly; but without any sacrifice of principle." But for this Coercion Bill which he regretted the present Government should be so mistaken as to press, he would express the pleasure he felt at seeing the benches opposite filled by their present occupants, instead of that party who could deliver sentiments such as they had heard that day. The hon. Gentleman proceeded to read several extracts from the printed speech of the learned Recorder, which was found in a paper which was the mouthpiece of that party. In one passage, the hon. and learned Gentleman said—"that their last struggle would be a great one for their lives, and liberties, and religion." This was the language which the hon. and learned Recorder felt himself justified in delivering in their carousal of faction to a parcel of gourmands and drunkards. Good God, was this language to be used by a man filling the judicial bench? Could the most violent political agitator use more objectionable language than that? What confidence could be placed in the administration of justice in a country where the Judge went reeking from the political banquet to the bench, where he was to be the dispenser of the laws, and to adjudicate upon the lives and properties of the King's subjects? He did not doubt that the party to which the member for the University belonged were anxious to return to power. That party whom he should call a miserable and degraded faction ought to be silenced at once and for ever. They hoped to return to power; but that hope would be abortive if the Government opposite had the manliness to act with determination. It was perhaps too familiar an illustration; but if they seized the nettle gently, it would inflict a sting, while, if pressed firmly, its power of mischief was at an end. So with that party, whilst touched forbearingly, its powers of mischief would remain, but let them clutch it firmly, and there was no injury it could inflict. What was that party which the hon. Gentleman held out to terrify any Government that meddled with its insolent assumption of superiority? He admitted, there were in that party men of worth and consideration, but, contrasted with the people of Ireland, they dwindled into feeble and impotent insignificance. Let the Government then abandon the Irish faction, and embrace the Irish people. The one demanded the infliction of wrong, whilst the other only asked for justice.

The House divided on the Clause: Ayes 24; Noes 69—Majority 45.

On the Question, that the Bill do pass,

Mr. *Henry Grattan* said, he could not suffer the present Motion to be carried without entering his solemn protest against several of the clauses of the Bill, which, were, in his opinion, as unnecessary as they were unjust and unconstitutional. Instead of promoting tranquillity in Ireland, this Bill would have the contrary effect. But what was it that endangered the peace of that country, but the absence of the nobility and gentry, whose bounden duty it was to see that proper moral instruction was provided for the people? Without the inculcation of the principles of morality amongst the people, military force would be of no avail; and although he gave the Government full credit for having given up the Court-martial clauses, he must protest against a measure which he was satisfied would answer no good end.

Mr. *O'Reilly* said, that he must also protest against this Bill as a most unnecessary piece of legislation. He had never been disposed to encourage by any act of his anything that could excite agrarian disturbances; but without entering into the question, as to whether agrarian disturbances were not occasioned by political agitation, he was prepared to contend, that in no point of view were the Government entitled to the powers which the Bill would place in their hands. If they really wished to see Ireland in perfect tranquillity, they must remove the causes which gave rise to the disturbances that occurred in that unhappy country; for, do what they might, the effects would remain until the causes from which they sprung were removed. If the Irish Tithe Bill—a measure susceptible of very great improvement—were passed, certainly one great cause of discontent would be got rid of; but his reason for objecting to this Bill was, that the law as it stood was amply sufficient for the suppression of agrarian disturbances. The code of law commonly called the Whiteboy Act, provided for every offence of this kind that could occur; and if that code was insufficient for the purpose, they had the Statute of the 27th of George 3rd, which did not leave a single insurrectionary offence untouched. It should also be recollected, that Roman Catholics were prohibited from carrying arms; and if, then, they were so well provided with laws to meet all the exigences which might arise, he could not see the necessity for a Coercion Bill, which was in every point of view objectionable.

Mr. *O'Connell* would not detain the House many minutes, but he owed it to himself to state to the House and to the Government the reasons why, and he should do it with regret, he felt it his duty to vote against the passing this Bill in its present shape. He had promised—he had given a pledge—that he would vote for so much of the Bill as related to the suppression of agrarian disturbances; and he now wished to show, that he was not violating that promise by voting against the passing a measure which contained such enactments as were to be found in this. He asserted, that it contained clauses which were wholly unnecessary. One of those clauses went the length of depriving the people of the right to petition Parliament for the redress of their grievances; and against such a clause he must strongly object. It also contained a clause of indemnity to the Magistrates, constables, and soldiers, by whom its provisions were to be enforced, and to that clause he likewise objected, as he did to another, which authorized the suspension of the Habeas Corpus Act. The Bill also contained a clause which created no fewer than twenty-five new offences, and against that clause he must also protest. He knew, however, that this last clause was justified on the ground, that it was intended as a means to put down agrarian disturbances; but he very much doubted whether it would have any such effect. If, however, it would have that tendency, he should willingly acknowledge that he was wrong. He was as anxious as anyone to see agrarian disturbances put down by the strong arm of the law: and if the clause to which he referred would have that effect, all he could say was, that it should have his support. With respect to the remainder of the clauses, he was bound to say, that he approved of them. They would be a desirable addition to the Whiteboy code, and, for his part, he wished them to be made perpetual. As the law stood, there were no means of ascertaining whether or not a county or district was in a state of disturbance, except by the evidence adduced before a Judge and Jury; and that being the case, and thinking that such a fact should be ascertained by some responsible authority, he thought the Lord-lieutenant ought to be empowered to announce the existence of disturbances in any given place by proclamation. He repeated, that he should not object to make a clause of this description perpetual, although it might be said, that in doing so he was consenting to the abrogation of some portion of the liberties of the people. He was as decided an enemy to agrarian disturbances as any man in that House; but he still thought that the only effect which the clauses against which he objected could have, would be to strengthen the hands of a party in Ireland who had never done anything but wrong to that unfortunate country. It had been stated, that office was to be given to him in consequence of his advocacy of this measure, but there were two very strong objections in the way of this statement—first, the Government had no office to give him, and next, there was none he would accept, even if they had. The praises bestowed by the opponents of the Government on the Irish Attorney General ought to show them that this officer had no one political feeling in unison with the sentiments of the party with which he was connected. The sooner they got rid of him the better; for, instead of aiding them, his whole efforts seemed to be directed to the frustration of their proceedings. What he (Mr. O'Connell) wanted was, that the institutions of the two countries should be assimilated. He was strongly in favour of the clauses for putting down agrarian disturbances, and he must say, that he thanked the Government for this Bill, because it went the length of avowing the opinion which he believed they entertained, that there was no connexion whatever between political agitation and agrarian disturbances. It was quite manifest, he thought, that agrarian disturbances could advance no one political object, and therefore it was absurd to say, that the individuals who suffered punishment for agrarian disturbances, were the victims of political agitation. But he had been told, that Poor-laws would remedy all the grievances complained of in Ireland, and restore that country to peace and prosperity. He wished that any one could point out to the satisfaction of his mind, that Poor-laws in Ireland, instead of producing misery, would tend to the least good, and not only should such a proposition have his anxious support, but he should ever feel the deepest gratitude to the individual by whom his present opinions were changed. So far, however, from Poor-laws having any beneficial influence, he feared that they would infallibly lead to the shedding of blood—that the rancour and bad feeling which now produced agrarian disturbances would be directed against those by whom such laws were administered in every instance in which relief was refused to a person who had no title to receive it. They would dissolve every tie that existed, whether between parent and child, brother and sister, or man and man; and if this was not his strong conviction, he most unquestionably should be the advocate, and not the opponent of Poor-laws. He repeated, that he should be delighted to be convinced of his error, if indeed he were wrong; and certainly, so far as the opinion of the Catholic priests went,, he must say, that they were in favour of Poor-laws; but this he did not wonder at, seeing that they had constantly before their eyes scenes of misery which were harrowing to the feelings of any person possessing the least spark of humanity in his disposition. He must say,that he had been greatly amused at the compliments which certain Irish landlords had paid to each other on a recent occasion in another place. The individuals to whom he alluded were about the worst landlords in Ireland; and yet, to believe them, the advantage of their tenantry was the chief and only object they had in view. He had felt it necessary to say thus much in his own vindication; and although he was as thorough a Radical as any that had ever stood in that House, he must again say, he was favourable to rendering the clauses to which he alluded, perpetual. Ireland had been governed by force for 300 years, without being better now than she was then; and if, as the fact was, force had failed, why did they not try what conciliation would do? The Irish people would never suffer themselves to be put down by force; hitherto they had been governed by, and for a faction, but to this they would submit no longer. The present Government had been in office four years without benefiting Ireland in the smallest degree; and if they would now do but justice to the people of that country, they would soon find quiet and tranquillity restored throughout the land.

Lord *Althorp* wished to make a single observation on a statement which had fallen from the hon. and learned Gentleman, the member for Dublin. The hon. Gentleman said, that the omission of the clauses which had been struck out of the Bill went to show, that the Government did not think that there was any connexion between political agitation and agrarian disturbances. Now, he (Lord Althorp) begged to say, that the admission of the Government did not go to any such extent; on the contrary, they believed there was some connexion between the two circumstances, though not to the extent that was generally supposed. Much exaggeration had taken place on the matter; and although agrarian disturbances might not be altogether attributable to political agitation, yet it could not be doubted that the one tended to increase the other. He did not feel it necessary to do more than make this explanation, as he did not believe that the House would require him to follow the hon. and learned Gentleman through all the other parts of his speech.

Mr. *Sheil* said, that belonging to the party of which his hon. and learned friend (Mr. O'Connell) was the leader, he felt it necessary to express his dissent from one statement which had fallen from him. His hon. and learned friend had no objection to give the Lord-lieutenant power to proclaim any district he pleased to be in a disturbed state; but for his (Mr. Sheil's) part, he never would consent to confer a power so arbitrary upon any Lord-lieutenant.

Mr. *O'Connell* explained, that the power which he meant to confer, would only remedy a defect which existed in the present law.

Mr. *Henry Grattan* declared, that he would oppose the granting of any such power as rendering the clauses alluded to, perpetual. He never would give his sanction to a permanent measure of the kind.

The House divided on the Motion, that the Bill do pass: Ayes 60; Noes 25—Majority 35.

The Bill was passed.

GENERAL MORENO.] Mr. *O'Dwyer* wished to know from the noble Viscount (the Secretary for Foreign Affairs), whether the opinion of the Law Officers of the Crown had been taken, as to whether the murderer of Mr. Boyd was not amenable to the laws of this country?

Viscount *Palmerston* replied, that he had received the opinion of the Law Officers of the Crown, which stated, that General Moreno was not amenable to any tribunal in this country.

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HOUSE OF LORDS,
Monday, July 28, 1834.

MINUTES.] Bills. Read a second time:—Newspaper Postage; Disturbances Suppression (Ireland).

THE DISSENTERS.] The Duke of *Sussex*, in presenting a petition from the Dissenters of Craven Street chapel in the parish of St. James's, Westminster, said, that this was a petition, praying for relief. The petitioners also prayed for the separation of the Church and State. He thought it his duty to present the petition, which was respectfully worded; but it was not to be considered, because he presented it, that therefore he agreed with the prayer of the petitioners. He declared, that he did not participate in that part of the petition in which they asked for a separation between Church and State. On that point he should beg leave briefly to state his opinion. He conceived, that the connexion of the Church and State had existed from the time of the Reformation itself, and as he was most anxious to keep up all the institutions of the country, he was not prepared to assent to a recommendation of the nature contained in the petition. He was aware, that abuses might have crept into the Establishment, and that a change of times had rendered some alterations necessary; and if such alterations were recommended by their Lordships, they should have his support; but he would not pull down an establishment without knowing what could be put in its place. The Dissenters complained of five grievances. The first of these related to a want of a registry of births, marriages, and burials, the evidence of any registers but those kept in the Church not being admissible in Courts of Law. As far as that went, he was ready to give them every assistance to remove the grievance. The second was the necessity of their conforming to the rites of the Church of England in the case of marriage. On that point also he was prepared to assist them. The third related to their being obliged to be buried in consecrated ground, a matter he thought also well worthy of consideration. The fourth was the refusal to admit the Dissenters to take degrees in the Universities. On this occasion he did not think it necessary at present to enter largely into the merits of that question, nor could he, without being guilty of an irregularity, go into matters that had occurred in former debates upon it. He should, therefore, only say, that, in his opinion, a degree conferred at an University indicated nothing but the fact, that the person to whom it was granted had been attentive to his studies—that he had fulfilled the probationary duties of a student properly—and that his moral conduct had been praiseworthy. If such were, as he conceived, the real object of a degree; if the conferring of it amounted only to a public and honourable statement of these things, he must say, that every Dissenter who fulfilled those conditions was as much entitled to a degree as any other person. How, in what manner, and where it was to be given, were points that he would not then discuss. He should only add, that in arranging a plan for granting these privileges to Dissenters, they must take care not to create such a system as to give rise to angry feelings between the parties. Upon the last subject of complaint urged by the Dissenters, he should say nothing now, as there was a measure on the subject in the other House of Parliament, which would speedily be brought under their Lordships' notice.

Petition to lie on the Table.

BRIBERY AT ELECTIONS.] The Marquess of *Lansdown* as Chairman of the Committee to which the Bill on Bribery at Elections had been referred, presented the Report of the Committee accordingly, and said, that he could not do so without stating the character and extent of the Amendments proposed by the Committee. The noble Lords appointed upon that Committee could have but one desire, which was, to promote the great object of the Bill sent up to them from the Commons. The Committee had received suggestions of a most valuable nature from the noble Duke opposite (the Duke of Wellington), and also from his noble and learned friend on the Woolsack. It was not proposed by the Committee to make any alteration in the manner in which the House of Commons at present instituted inquiries into the question of Bribery at an Election, but the Committee proposed that when the House of Commons adopted the Resolutions of an Election Committee, and declared that gross Bribery had taken place at an election, the House of Commons should communicate that Resolution to the House of Peers, which, with the other House of Parliament should then present an Address, stating the fact to the Crown, upon which it was proposed that his Majesty should issue a Commission to inquire into the Bribery, at the head of which Commission should be placed one of the Judges, and the rest of the Members should be selected from both Houses of Parliament. In this House it was proposed that, at the commencement of the Session, the Lord Chancellor, as Speaker of the House, should select a certain number of persons, and that the Speaker of the House of Commons should name a number of persons not to exceed 100, and, as occasion should arise, that from these two bodies should be selected, of the members of the House of Commons seven, and of the Members of this House five, who, together with the Judge, should constitute the Court of Inquiry. It was proposed that this Court should have the power of summoning witnesses, and compelling their attendance, should require them to give evidence, and exempt them from the consequences of that evidence. This Court should then report the general state of the case to both Houses, and that report should be the foundation of such legislative proceedings as the two Houses in their wisdom might think fit to agree to. He hoped that the Report would meet with their Lordships' approbation. He now moved, that it be printed, and that it be referred to the Committee on the Bill to-morrow.

Agreed to.

POOR LAWS' AMENDMENT.] The House went into Committee on the Poor Laws' Amendment Bill. Clause 52, taking away the power from the Magistrates to order out-door relief, was the first put.

The Marquess of *Salisbury* suggested, that cases of peculiar urgency might arise in which it would be advisable to continue the power until the first meeting of the vestry. As the law at present stood, the Overseer was placed in too responsible a situation; for if he refused a pauper relief who had a Magistrate's order, he was liable to an indictment; while, if the vestry refused to pass his accounts, he was obliged to pay the money so paid upon order out of his own pocket. He would propose that if any such orders were disallowed, the money ought to be paid by the Magistrate who signed it.

The Bishop of *London* did not think the Magistrates would accept such a power clogged with such responsibility. He thought the Board of Guardians would support their Overseer if he paid no attention to an order under such circumstances.

The Bishop of *Exeter* said, he thought the power of indictment was scarcely to be taken into account, for there was no source provided from which funds to prosecute were to be taken. He proposed a proviso by which Justices were empowered to order relief in sudden cases of emergency, and if refused, the Overseer to forfeit, upon conviction, the sum of five pounds.

The Earl of *Harewood* objected to the power being given to the Magistracy, because their orders were to be overridden by the Commissioners.

The Bishop of *London* thought, if the proviso were added to the Bill, it would altogether nullify the clause, and reduce things pretty much to the same state in which they were at present.

A long conversation took place between several noble Lords, which ended by—

The Duke of *Wellington* remarking, that their Lordships had been nearly two hours conversing on this Bill, and had not got through a single clause,

Their Lordships then agreed to the clause with several verbal amendments.

Clause 53 was also agreed to.

Upon clause 54 being read, which considered the relief given to any poor person for a child under the age of twelve as given to the husband and wife,

The Earl of *Radnor* suggested, that the age of the child should be changed from twelve to sixteen.

The Bishop of *London* hoped this amendment would be adopted, because when children were separated from their parents at such an early age, it was productive of great immorality.

Agreed to.

Clause 55 was postponed.

The clauses to the 60th, inclusive, were agreed to, with verbal amendments.

Clause 61 was struck out.

On the 62nd clause being proposed.

The Marquess of *Salisbury* said, that this clause gave power to the owners of land and rate-payers in parishes and unions to raise money for the purposes of the emigration of their poor. The power now given them was unlimited. He proposed to limit the amount to one half-year's rates, and he thought that the scheme of emigration, however beneficial it might appear, should be conducted only in such a way as would be equally beneficial to the colony and the country.

The Earl of *Liverpool* objected to the word "unions" in the clause, by the effect of which, if several parishes were united together, and only one of them wished to send emigrants abroad, all the rest must join in the expense.

Lord *Kenyon* objected to the clause altogether, for he did not approve of this forced system of emigration, by which a man might be compelled to leave his native land. Unless emigration was felt by the proposed emigrant to be desirable it ought not to take place.

The Duke of *Cumberland* was decidedly of the same opinion with the noble Baron behind him.

The *Lord Chancellor* admitted the force of this observation, and said, that no man would be forced to go abroad. He agreed with the noble Earl (The Earl of Liverpool) that all the parishes of one union ought not to be saddled with the expenses of emigration, because one of them desired it. The parishes were to be separate, so far as regarded the maintenance of their own poor; so that, perhaps, the objection might not arise; but, to obviate all difficulty, the words, "or unions," might be struck out of the clause.

The Marquess of *Salisbury* said, the object appeared to be, to encourage emigration.

The *Lord Chancellor* replied, that when the plan was carried into full effect, it would be found calculated to render emigration unnecessary. It was very difficult to move men to emigration, and he himself was aware of two neighbouring districts, where, though the wages were higher in one than the other, no emigration took place.

The Earl of *Falmouth* said, that it would appear as if the framers of the Bill intended to force emigration; he thought the clause should be struck out.

The Earl of *Chichester* thought, that the able-bodied men, willing to work, would by this Bill be rendered permanent inmates of the workhouse, without some provision in the way of emigration; and it was, therefore, necessary that the Commissioners should be empowered to raise funds for this purpose.

The Duke of *Wellington* was inclined to concur with the noble Lord in thinking, that when the Bill came into full operation, there would be no necessity for emigration.

The Marquess of *Lansdown* denied that there was any thing in the Bill calculated to have the effect of forcing emigration. On the contrary, it did not even go the length of encouraging it. It would ultimately do away with emigration. By this Bill, the able-bodied would have the option, either of, for a period, enduring great hardship at home, or take the chance of beneficial improvement by emigration.

The clause, with verbal amendments, was ordered to stand part of the Bill.

Clause 63 was also agreed to.

On the 64th clause, repealing settlement by hiring service or apprenticeship, being proposed,

Lord *Wharncliffe* objected to this change of the law. If a man gained a settlement by hiring, it was a proof that he had resided in the parish, and that he had so behaved himself as to be considered entitled to it. It was extremely hard on a man who had resided and been employed for a considerable number of years, had married and had children, to be sent off when past his labour to the place of his birth, from which he had been absent for years, and to which he was an entire stranger; and this was still more hard on the children of that man. He contended also that it was a cruelty to deprive a man of the settlement which he had acquired by apprenticeship. These parts of the Bill would, he thought, make it very unpopular in the country, and justly so. He did not deny, that the present law required amendment, but he thought that it could be amended without such a total change as that now proposed. So strongly did he object to this and the next clause, that if he found other Lords of the same opinion, he would take the sense of the House on them.

The Bishop of *London* said, that the clause was considered by the Commissioners, as one of the greatest boons which could be conferred on the labouring classes. He hoped, that the people would soon be induced to exercise a foresight which would render relief unnecessary; and that the time would come when it would be thought, as once it was, disgraceful to receive relief, except in cases of extreme emergency, and that the relief, when rendered necessary, should be received as it could be granted. The present practice opened the door to extensive and demoralizing litigation; as, in some parts of the country, labourers were hired for fifty-one weeks to prevent their claiming settlement. The consequence was, the disruption of the social union which should subsist between the labourer and the farmer. The false swearing on this head was very extensive, and tended greatly to demoralize the people. With regard to apprentices, it had been found, that under the existing law, there was a great difficulty in getting boys apprenticed to respectable masters, on account of a fear entertained by the masters, that the boys would, thereby, obtain a settlement in the parish. The Commissioners believed, that, in proposing the plan as laid down in the Bill, they were consulting the real interests of the poor. For the first few years, while they were getting the principle into operation, some injury might be sustained in particular cases, but he was convinced, that, ultimately, very great good would be conferred by this part of the measure on the country at large, and on no class more than on the agricultural labouring class.

Lord *Wynford* complained of the hardship of obliging an individual who had spent years of hard labour and honest industry in one neighbourhood, to seek relief, should misfortune befal him, in a neighbourhood to which he had become a perfect stranger. The effect of the Bill would be to banish the poor from the homes where, in their distress, they might receive assistance and solace from their friends. He was least pleased with this part of the Report. He spoke not of the Commissioners, but of the Assistant-Commissioners, and he would say that, whatever evidence they might have collected, they appeared to have started with a plan in their heads, and to have stated the evidence in a manner most effectual for the establishment of that plan. It was urged that the present law was highly injurious, inasmuch as its tendency was to prevent agricultural labourers, by the fear of losing their places of settlement, from leaving their parish in search of work; but he considered the evidence on which this supposition was founded, was erroneous in its reasoning. The reason why agricultural labourers were indisposed to leave the country for town was because 12*s.* a-week, with a house and garden, in the country, enabled them to live better than they could live in towns on 20*s.* per week, out of which they must pay 10*l.* a-year for a miserable hovel of a dwelling.

The *Lord Chancellor* said, that people did not acquire a settlement by hiring, except by the consent of the person hiring them, therefore there was no great hardship by the change of the law in that respect; but that was not his objection. His objection was, first, that the law was inoperative and insufficient for its object; and next, that it begot a very bad feeling between the master and his labourer. It lowered the footing on which master and man stood in relation to each other, and also lowered the character of the labourer himself. Those who were most experienced in agricultural matters, would bear him out in the assertion that, in many parts of the country, particularly the southern, the labourers themselves were opposed to this law, because it was inoperative, and was evaded, and because it operated injuriously to them, by keeping them often, for a time, out of employment. He was not so much opposed to the settlement by apprenticeship as to this; but if their Lordships kept the law of settlement by apprenticeship, it would be necessary to alter many parts of the law as it now stood.

The Clause, amended, was ordered to stand part of the Bill.

The 65th Clause was agreed to.

Lord *Wynford* proposed to insert between the 65th and 66th Clauses a new Clause, of which the purport was, that the place of birth should in future be the place of settlement.

The *Lord Chancellor* said, that this clause had been considered elsewhere, and had been rejected for the present. There were so many difficulties attendant upon such a clause, that he thought the other House had done well in so deciding.

The Duke of *Wellington* thought, that the settlement by birth was better than that contained in the Bill. He did not mean to say, that it might not give rise to inconvenience, and perhaps residence, with payment of Poor-rates, as giving a settlement, might be an improvement.

The *Lord Chancellor*, after pointing out the difficulties which would attend making such a sudden alteration in the Law of Settlement, stated that he still held the opinion which he had expressed in moving the second reading of the Bill, respecting the propriety of making this alteration at an early period. If he could devise anything safe and expedient on the subject, he would propose it on bringing up the Report; but if he should be dissatisfied with his own handy-work, he hoped that it would not be considered any departure from his agreement, if he did not mention the subject again.

Lord *Wynford* said, that as a guard against some of the difficulties which his noble and learned friend had pointed out, he would propose that the place of a man's birth, should not be his place of settlement, unless it was accompanied by another condition, that he had been three years resident within it. He would propose a clause to that effect on bringing up the Report.

Clause withdrawn.—Clause 66 agreed to.

On the proposal of the 67th clause, which repeals the Acts relating to the liability and punishment of the putative father, and the punishment of the mother of illegitimate children,

The Bishop of *Exeter* said, that he did not know whether this was the convenient time for discussing this clause. It might be inconvenient to discuss it before they had fixed upon the principle for deciding the law of bastardy. The main point to be considered was this—where the burthen of bastardy was to fall?

The *Lord Chancellor* thought that this was the proper time for taking the discussion. Let them have one discussion of it now, but do not let them revive it twenty times over, as they had already done upon the other clauses.

The Bishop of *Exeter* would on that account address himself to the clause before their Lordships, which he considered the most important part of the Bill, because it involved a principle more serious and more weighty than any of the other clauses. Considering it of such great importance, he felt reluctant to discuss it, and heartily wished it were in abler hands. He was sure that the excellent persons who framed the Report, and who might be regarded as the framers of the Bill, intended nothing either by their Report or by the provisions of the Bill, but what was merciful and kind to the unhappy creatures who were now to be the object of their legislation. With regard to the poor women, on whom the Bill would fall very heavily, he was sure that the Commissioners proposed this alteration of the law out of real kindness to them. He hoped that he should not be considered as saying anything inconsistent with that admission, when he went further and said, that though such was their kindness of intention, there was a harshness of judgment applied to these unhappy women for which it was not very easy to account, and which must give sorrow to every reflecting mind. In the Report, the fathers of bastard children were uniformly spoken of as "unfortunate" persons. He was "an unfortunate young man" who was brought before the justices for this offence;

but whenever the mother was spoken of, allusion was certain to be made to her "vice," which was the subject of bitter complaint. Their Lordships would not meet with this form of expression in a solitary instance only; on the contrary, it pervaded the whole Report. The language of the Report was, "The female is the most to blame"—"Continued illicit intercourse originates with the female." For his own part, he confessed that he must require much better authority than any which he had seen in that Report to believe such an assertion. But the *animus* of the Report was still more apparent to any one who looked at the evidence collected by the Sub-Commissioners, and their observations. He would read part of one Report—he would not state by whom it was drawn up; he would merely say, that a learned Gentleman who had drawn up one of the most considerable Reports had spoken thus of female chastity—"It may almost be affirmed that the virtue of female chastity does not exist among the lower orders of England, except to a certain extent among domestic female servants, who know that they hold their situations by that tenure, and are more prudent in consequence. Among the residue all evidence goes to prove that it is a nonentity." This was a grave and serious statement of the condition of morals among the females of this country. He should grieve exceedingly, did he think it true. He hoped rather that it was only a calumny. Their Lordships would all recollect that some years ago a French officer travelled through England. He afterwards published an account of his travels, and put forth an assertion to the same effect, and almost in the same words, as that of this learned Sub-Commissioner. He did not mean to say, that the learned Sub-Commissioner had copied this dictum from the French general (General Pillet), but certainly his opinion, and almost his words, were the same. When that opinion was first promulgated, their Lordships would recollect that every man in England felt it to be an audacious calumny, and one sentiment of indignation against the author of it prevailed throughout the country. Such, indeed, was the indignation that he was sure if that individual had visited England, he would have never made another statement. He mentioned this, to show that the impressions which had, he regretted to say, been made upon the minds of the Commissioners, and which had led them to lay before their Lordships certain recommendations as the foundation of a legislative enactment, had before been promulgated, and universally condemned. As the Commissioners considered the state of female morals to be thus depraved, it could not surprise their Lordships to perceive how severely they had pressed on that part of the population which they regarded as so depraved. The code of law which they from this view proposed for the females of England was not to be paralleled by the code of any other country. They spoke of the Bastardy-laws, very deservedly, he admitted, in terms of strong reprobation. No one could think them wise and good, and therefore they proposed the abolition of them. "What we propose in their room," said the Commissioners, "is intended to restore things, as far as it is possible, to the state in which they would have been if no such laws had ever existed; to trust to those checks, and to those checks only, which Providence has imposed on licentiousness, under the conviction that all attempts of the Legislature to increase their force, or to substitute for them artificial sanctions, have tended only to weaken or pervert them." He was as much inclined as the Commissioners to trust to those "checks which Providence has placed upon licentiousness;" but in saying that, he must add that his notion of the checks which Providence had placed on licentiousness did not agree with the notions of the Commissioners. Those checks appeared to him to be three. The first, and he hoped the most powerful check, was, the sense of the sinfulness of the act. The second was also very powerful; it was the apprehension of the responsibility of becoming a parent in consequence. That was admitted on all hands to be a strong preventive check even on the male; some persons regarded it as the strongest of all the checks; and it was that check on which Mr. Malthus based the whole of "his moral restraint in the case of marriages." If he understood that philosopher rightly, the great restraint was conceived to lie in the apprehension of having children without having the means of maintaining them. If that was to be depended upon as a powerful restraint against improvident marriages, he thought it might also be regarded as a powerful restraint upon incurring the responsibility of being a parent from an illicit connexion. The third check was the fear of becoming exposed to those restraints, sanctioned by the law, which were described, as he thought, in the sentence which he had just read to them as neutralizing or weakening the restraints of Providence. That sentence he understood to mean this—that the Commissioners were of opinion that any attempts of the Legislature to check the growth of bastardy interfered with the restraints of Providence. Contrary to the Commissioners, he held, that the restraints imposed by the law, provided the law itself were good, were, in truth, among the restraints of Providence. He regarded such restraints, as he regarded the restraints imposed by other laws, and should as soon think of denying that the restraints imposed by laws on theft and on murder were parts of the scheme of Providence for checking those crimes, as of denying that the restraints imposed by human laws on licentiousness, particularly by making the man bear the burthens of paternity, were parts of the restraints of Providence. He held, that all human laws ought to be such as carried with them the sanction of Providence, and should, therefore, at least in part, be considered as the Ordinances of God. He did not by this mean to say, that all laws were, in fact, wise, he only meant to assert that the Commissioners in considering generally the restraints of law as opposed to the restraints of Providence had proceeded on an erroneous principle. The Commissioners next proceeded to say —" In the natural state of things a child, until emancipated, depends on its parents." Let the House mark the phrase, " on its parents;" not on one parent, but on both. Let their Lordships recollect then, that according to the Commissioners themselves illegitimate children must be dealt with as having two parents.

The Bishop of *London:* From what part of the Report is my reverend friend quoting? Where is this language to be found?

The Bishop of *Exeter:* At page 195 of the Report of the Commissioners, under the remedial measures. Here, then, he had an important admission from the Commissioners, that in the natural state of things a child until emancipated depended on its parents. To that sound principle he had no doubt their Lordships would assent. Why, then, was not that rule to be observed with illegitimate as well as with legitimate children? "Because," according to the Commissioners, " only one of the parents of an illegitimate child can be ascertained." Indeed! then this Bill performed an impossibility; for it ascertained who were both the parents, whenever the protection of the parish was the object in view, though it would do nothing so long as the unhappy mother only was the party. He said, that the allegation of the Commissioners was disproved by the provisions of the Bill, which went on the principle that both the parents could be discovered. He would proceed to inquire what were the just claims which a child possessed as soon as it drew breath. The Commissioners, as a further step towards the natural state of things, recommended, that the mother of an illegitimate child should be required to support it, and that any relief occasioned by the wants of the child be considered, relief afforded to the parent. Now, he would adopt the language of the Commissioners, and would carry it one step further. He would say, that the father and mother of an illegitimate child, when ascertained, should both be required to support it, while both, or either of them, should be able. Having thus established that justice required the parents to maintain the child, he did not think it right to weaken his argument by adverting to the minor arguments of expediency, on which alone the opposite doctrines he was sure would be based. After what had been so well said by the Commissioners in their Report, no one would say, that in justice all the charge of maintaining the child ought to fall upon the mother. If, then, the principle of this clause were to be supported, it must be on the grounds of expediency. Their Lordships might be told that it was expedient for all, and for the good of the mother herself, that the law should press hard on the woman who became a mother before she became a wife. He could not consent to such an argument, for he was not one of those who could consent to do evil that good might follow. He could not concur in the principle that by the laws of the land, which ought to be a transcript of the laws of God, the duty of maintaining the illegitimate child should belong wholly to the mother. But, even in respect of the good that was to be expected, were they so sure that this alteration would work in the manner in which the Commissioners supposed. On the contrary, it appeared to him, from their own admissions—from the very facts recited here—that the present Bastardy-laws, if wisely administered, would, in many instances, meet all real difficulties, and remove the evils so much complained of. With their Lordships' permission, he would quote one or two cases which the Commissioners had laid before the House. 'In Swallowfield, Berks, (reported one of 'these gentlemen), we adopted the practice, a few years ago, of paying the 'mother so much of the allowance from 'the father as was immediately necessary 'for the support of the child. The effect 'was precisely what we expected and 'desired it should be.' This was only saying that, in Swallowfield, there was a wise and prudent administration of the existing law. Then, why was it not made compulsory on all parishes to administer the existing law in this manner? Why was not that made the duty of the Commissioners? But there was also the authority of the Commissioners themselves, that all would be done that need be done, or nearly so. The Report went on:—'If we had persevered in the practice, I have no doubt it would have been 'productive of salutary consequences; 'but a question having arisen as to its 'legality, we were compelled, reluctantly, 'to abandon it.' But why was it not legal? Because those parishes thought fit to take from the father a larger sum than was necessary for the maintenance of the child, and to give the mother only so much as was necessary. To be sure this was grossly illegal; but if the parishes had been content to make an order, through the intervention of the Magistrates, for only so much as was necessary for the support of the child, the case would have been very different. In the parish of Cookham a similar plan was adopted, and Mr. Whateley said, that with a population of 3,337 persons, but one bastard had been affiliated within the last five years. When Mr. Whateley began his administration, fifteen bastards annually were born in that parish. This was the parish of which the sub-Commissioner was pleased to use such strong language, with respect to the state of female chastity in England. By way of illustration, and to prove that female chastity in England is a nonentity, he refers to the parish of Cookham, in which, with a population of 3,337 persons, fifteen bastards were born in a year. Now, my Lords, in such a population there could not be fewer than 1,700 females. Thus the number of bastard children was not quite one per cent of the number of females, and yet, upon this instance, specially, being the strongest that could be named, did this sub-Commissioner found the monstrous statement contained in his Report. In another parish (Bingham) in Nottinghamshire, with a population of upwards of 1,700, the adoption of this plan had the effect of preventing the birth of any bastard child. Mr. Dean the overseer's account was this:—'Twelve years ago we 'introduced this caution: when a woman 'came, saying she was with child, she was 'taken before the Magistrate in the usual 'way; the sessions made the order on the 'father in the usual way. Then we told 'her she must get the money from the 'father herself, as we should never trouble 'him; and that if she became chargeable 'to us, we should send her to the house 'of correction, and all women are invariably so sent. Before this we used to 'have five or six bastards born every 'year; now we have under two. These 'are still sworn and affiliated in the usual 'way; there is no change in that respect; 'but if the mother applies for relief, we 'enforce the law, and send her to prison. 'So the mothers now never think of applying to the parish, but arrange with 'the fathers as well as they can, and 'maintain the children as well as they 'can. There are no bastards on the 'parish books now but one; and this is a 'particular case, where the mother was 'ill-treated by the father.' This was the effect of an improved administration of the existing laws in a parish where, formerly, the number of bastards born was five or six every year. Their Lordships would, therefore, at once perceive, from the statement he had quoted, that by wholesomely administering the existing Bastardy-laws, the number of bastards born every year might be so reduced as to render fresh legislation unnecessary. In arguing this case, he begged it might not be imagined that he regarded lightly the offence of a woman having a child before she was married according to the rites of the Church; she was bound most certainly, by all laws divine and human, not to bear a child until after marriage; still he must contend, that there was no slight extenuation of the woman's faults in many instances in the very peculiar nature of the Marriage-law in England. An Act was passed—commonly called the Marriage Act—in the time of George 2nd, which, whatever might be its character, was mainly intended to protect the property of the country, and to prevent young persons in the more opulent classes from contracting improvident marriages, and sacrificing their future prospects in life. That was the avowed object of the Marriage-law which now subsists in England. Before the time when it was passed, marriage was a very easy thing to accomplish; a marriage solemnized by a priest either of the Church of Rome or of the Church of England, was a valid marriage to all intents and purposes; however quietly, however secretly, that marriage was solemnized, it was a complete and legal marriage for all intents and purposes whatsoever. Not only did there exist a facility of obtaining marriage, which was open to all classes of the community, but the Legislature, with particular and just regard to promises of marriage given before the solemnization of the ceremony, declared that there was one species of contract, called by the lawyers *verba in presenti*, and another species of promise called *verba de futuro*, which, if followed by a bodily connexion, was deemed a contract of so stringent and binding a nature, that the parties were bound to complete it *in facie ecclesiæ*. That old law went very far, indeed, to recognise what might fairly be considered as the natural state of things. The highly artificial state of this country had rendered a much more artificial and complicated law necessary for the regulation of marriages; but in all countries where a natural state of things prevailed, there was not to be found a more rigid rule of marriage than the slight one he had mentioned. He said that, to show that, naturally—and he said it most sincerely, for it was his sincere belief—if a man had promised a woman marriage, and that woman had yielded to him in consequence of that promise, he was conscientiously bound to consider himself her husband, and to complete the contract between them by going with her to church, and doing all that the law of the land required him to do. That being the case, he begged their Lordships to consider the probability of a large proportion of the cases of bastardy, which were made so much of in these Reports, originating in promises of this kind. He should say a great many; for in a population of 3,000 or 4,000 persons of both sexes, it could hardly be supposed, if female chastity were a nonentity, that so many unions between the sexes would produce only so small a proportion of bastard children as that which appeared to have been produced even in the parish of Cookham. He was afraid that, in a great many instances, connexion took place before marriage; he was ready to admit, that in many instances the marriage was caused by the apprehension of the Magistrates and the House of Correction; but he hoped, that in many more this apprehension was mixed with another motive, that the woman was enabled to say, "You promised me marriage, and I yielded because I trusted to you," and that the man's good feelings being awakened, he made the only reparation in his power before the injury was discovered. He would not trespass longer on their attention. He had already gone into the details of the case at much greater length than he could have wished. A great deal more occurred to his mind on the subject; but having rested his argument on the ground of justice, he would not weaken its effect by taking the other ground of expediency; although, even on that ground he might be enabled, he thought, to answer any arguments that might be urged against him. He would conclude by moving—as they had arrived at the consideration of the point on whom the maintenance of the child should rest—that this clause be omitted, for the purpose of inserting the following:—"That the father and mother of such child, or the survivor of them, shall be bound to maintain such child; and that no parish or union shall be bound to maintain, or assist in maintaining, such child, so long as the father and mother of such child, or either of them, is able to maintain the same; and that all relief granted on account of such child shall be considered as granted to such father and such mother, or of the survivor of them."

The Bishop of *London* was quite aware, that his right reverend friend, in taking the course which he had thought proper to adopt on this occasion, had chosen the popular side of the question. He could assure their Lordships that he was by no means unaware of the obloquy which any person incurred who maintained the contrary opinion. He could most sincerely say, having been one of the Commissioners to whom the consideration of this subject had been intrusted, that if their object had not really been to promote the interests of those unhappy females whom his right reverend friend had described as the objects of their systematic outrage, he would not venture to stand forward in this House to defend the recommendations of the Commissioners. He was not in the House when his right reverend friend commenced his address. He understood, however, that his right reverend friend censured the Commissioners for having throughout the Report, spoken of the seducer as the unfortunate person, and of the woman as the vicious party and the real offender. He had looked through the Report, and it certainly appeared to him, that the Commissioners had not spoken of either in the terms his right reverend friend had used, or perhaps in terms of as great severity as the nature of the case might appear to deserve. The Commissioners did not consider themselves called upon, in assisting Parliament on this question, to enter into all the moral, and much less into all the religious considerations which were indirectly mixed up with it. He could not find the word "unfortunate" applied, as his right reverend friend stated it to be, in the Report of the Commissioners. It was perfectly true, that the epithet "unfortunate" was applied to the man in the Report of one of the Assistant Commissioners. He must beg, however, to protest against their Lordships' imputing to the Commissioners every sentiment, much less every expression, used by the Assistant Commissioners, of whose aid they had availed themselves, in obtaining the materials on which to found their Report. A number of expressions were used by more than one Assistant Commissioner, to which he, as a Chief Commissioner, did not assent, but the Commissioners felt that it was right and fitting to lay before the Legislature, and the public, the conclusions at which those intelligent persons had arrived; the Commissioners drawing their own conclusions from, and founding their recommendations upon them. There was one censure passed by a very able and intelligent Assistant Commissioner on female virtue in this country, which certainly was strongly worded. He was perhaps, disposed to admit, that that Commissioner, though able and intelligent, had a style of writing which, perhaps, indicated a certain degree of warmth—not to say precipitancy— which now and then led him to conclusions somewhat beyond what the premises would warrant. After all, however, he was not aware that his right reverend friend had adduced anything in opposition to that statement, beyond his own assertion; and he feared if they looked to the evidence laid before the chief Commissioners, they should find statements very nearly corroborating that of the Assistant Commissioner, who had been referred to. The only fact which his right reverend friend had adduced, in contradiction of the assertions to which he alluded, and which, for obvious motives, he forbore stating in so many words, was, that in a remarkably well-managed parish—the parish of Cookham—which was under the superintendence of one of the most able and intelligent magistrates in this country, the number of illegitimate children had been only five in the last five years. He was afraid, that they must not estimate the chastity of the lower orders by the number of children born illegitimate. If they had the means of ascertaining what number of children were born within that period after marriage, which would morally constitute them illegitimate, he was afraid that, instead of fifteen, they would amount to 150. That was not mere conjecture, as he trusted he could convince their Lordships by referring to a very short passage in the evidence relative to the parish of Crawley. Its population was about 1350, but the average number of bastards did not exceed one in each year—"for the man marries the woman as soon as she is with child, in the expectation of being better off. The order is generally 2*s.* on the father, and nothing on the mother." My Lords, another gentleman stated to Mr. Walcot, that, "in forty-nine out of every fifty marriages that he had been called on to perform in his parish, amongst the lower orders, the female was either with child, or had had one, and many affirmed this of nineteen out of twenty cases." It was with great pain that he entered into those disgusting details; but he felt it a duty which he owed to himself and his brother Commissioners, to show their Lordships, that it had been proved, that the condition of the lower classes of this country, in respect to their sense of their moral obligations, had sadly deteriorated. In this opinion he was fully borne out by Mr. Villiers, a most active and intelligent Assistant Commissioner. "Bastardy," he said, "leads to marriage." At Bulkington in Warwickshire, Mr. Warner stated, that he had lately questioned the clergyman of the parish as to the proportion of pregnant women among the poor whom he married, and his reply was, "not less than nineteen out of every twenty." At Nuneaton the solicitor to the parish, Mr. Greenaway, stated, 'That 'his house looked into the church-yard: 'that he was in the habit purposely of 'watching the persons going to be married, and that he could confidently say, 'that seventeen out of every twenty of 'the female poor who went there for that 'purpose, were far advanced in pregnancy.' He was willing to admit, that these might be selected cases, and most happy should he be not to find himself compelled to take them as a specimen of the moral feeling of the lower orders of the people in this country; at all events they were sufficient to prove what he wished to demonstrate—namely, that the instance adduced by his right reverend friend of the parish of Cookham did not prove the negative of what Mr. Tyrell had advanced. He must confess, that he was greatly astonished by one proposition of his right reverend friend—at least, if he had comprehended the latter part of his right reverend friend's argument. His right reverend friend seemed to argue, that if the man who seduced an unhappy female, and induced her to yield to his wishes, was afterwards, for fear of a prison, or other consequences, resulting from the birth of a child, induced to marry her, that at once did away with the evil of the action; that in point of fact, it was to be considered as a regular marriage, and that there was no serious inconvenience requiring legislative interference. He could not imagine any doctrine more calculated to desecrate the holy estate of matrimony, and the inestimable benefits which God in his goodness, when he sanctioned that holy estate, intended to flow from it, than that an encouragement should be actually afforded by the existing laws to such a course of proceeding. It was not enough to say, that if such a doctrine were allowed, no check was imposed upon the commission of crime, for, in point of fact, the strongest imaginable encouragement was given to it. It was with a view to obviate the unholy mischiefs to which such a system must inevitably give rise, that the Commissioners had been induced to recommend to their Lordships the imposition of this preventive check on incontinency. His right reverend friend had said, with his usual power of language, and in that forcible manner which always distinguished his speeches, that the law of a Christian country ought to be a transscript of the law of God. He wished it were so, as far as possible; the former ought never to be contrary to the latter; but it was quite clear, so long as human nature remained as it did, and considering the different objects with which divine and human laws were founded, that, in all cases, they could not be the same. With regard to compelling the father to maintain a child not born in wedlock, he called upon his right reverend friend to point out any law of God of which the law of this country, proceeding on such a principle, could be a transcript. His right reverend friend had urged as an argument against meddling with the law, that the existing law, when properly and judiciously administered, had produced the good effects which the Commissioners anticipated from the recommendations they had submitted to their Lordships. To a certain extent that was true; but the very extract his right reverend friend had read, proved that, to a certain extent also, it was not. For whatsoever be the source of the evil of the present system, it was quite clear, that the improvement had been effected only by the zeal, the energy, and the persevering determination of individuals, the cessation of whose exertions, arising from sickness or other causes, would at once derange the whole machinery, and undo the improvement. This, indeed, had been proved in the case of Cookham, on which his right reverend friend had laid so much stress. Mr. Whateley fell sick; he was confined for a few weeks; and the immediate consequence was, that during even his short absence from his arduous duties, the whole system he had brought into operation fell into disorder. It was perfectly clear, then, that any improved system must not only be wisely devised, but wisely and regularly administered, since, under the present laws, if the system were left to itself even for a month, it took a wrong direction; and it was a sufficient reason for making a radical alteration in the laws, that the most trifling improvement could be produced only by a concentration of talent, energy, zeal, and perseverance, such as was rarely to be met with in one individual. His right reverend friend asked on what principle of equity or justice the mother of an illegitimate child could be punished, while the father was suffered to escape? That was a question upon which he was unwilling to enter, because to solve it would involve an abstract discussion on speculative points. It was perhaps a sufficient answer to say, that, under the ordinances of a merciful Providence, it was quite clear that the mother, where human laws could not interfere, must suffer more than the father. He begged further to say, that the principle his right reverend friend advocated was not that upon which the laws of this country had always proceeded, the principle of the Bastardy-laws having always been, to punish—not the father, but the mother. That was the effect of the statute of the 18th of James 1st. The practice of our law since the reign of James 1st had been to punish the woman—not the seducer—as a lewd woman, by imprisonment. The man had been only punished by compelling him to pay a certain sum of money to the parish for the maintenance of his child, and that, not for the punishment of the offence he had committed, but for the security of the parish. But he must take upon himself to deny, that the question of punishment formed any element in the consideration of the present subject. His right reverend friend's argument was, that when two parties were equally guilty, the punishment, if inflicted upon one only, became an unjust and rigorous penalty. Prevention, and not punishment, ought to be the object of legislation. In this case it appeared to him that the great recommendation of the alterations proposed by the Commissioners was, that they were likely to be effectual, to a certain extent, in preventing the offence alluded to. He knew no better way of forming a judgment with any prospect of arriving at the truth, in such a case as the present, than by resorting to experience; and he put it to his right reverend friend, whether they had not abundant testimony to show, that wherever something like this system had been acted upon with perseverance and determination, the sin of incontinency had been very much prevented, and the number of bastard children greatly diminished. On looking to the report, he found, that the same principle had been acted upon for a much longer period, and with success, in the United States of America. The Commissioners said, 'In Boston, 'Baltimore, and Salem, the principle has 'long been acted upon—namely, that the 'public will not undertake to bring up 'illegitimate children without expense to 'the mother. The consequence is, that 'in 1826 but ten cases came under the 'notice of the public officers at Boston, 'and but two at Salem; while in Balti'more the public was put to no expense 'whatever in respect to them? In the 'same year, in Philadelphia, where 'no such system prevails, the number 'of bastards under the care of the 'guardians of the poor, was 272.' He could not help troubling their Lordships by referring to the evidence of one witness which he considered extremely important, as showing the opinion entertained by that class of persons for whom they were now especially legislating, as to the manner in which some such suggestions as those of the Poor-law Commissioners would probably affect their interests. The testimony which had been given by the labouring poor in more than one parish, in favour of this Bill, was, perhaps, the most important that had been collected. Mr. Tidd Pratt, a gentleman whose evidence had been frequently and deservedly quoted in reference to this and other parts of the subject, was asked—"What is the course adopted by the labouring classes, in their friendly societies, with regard to illegitimate children?" It was quite obvious, that taking a philosophical view of this subject, they must consider every parish as one great friendly society; in proportion as they did that, they would bring the administration of the Poor-laws to something like perfection. The answer was:—"In female societies, which are numerous and increasing, they utterly deprive the parties of all relief, and they expel them. In male societies, they allow no benefit on the birth of a child, unless such child is born in wedlock. In those societies which allow an annuity or other payment to a widow on the death of a member, the benefit is forfeited by her having lived apart from her husband during his life-time, or having an illegitimate child after his death." Mr. Pratt was also asked:—"Then in all cases they utterly disallow relief to a woman who has a bastard child?" He replied:—"Yes; both in male and female societies." That was the principle which the Commissioners recommended—that was the principle, the adoption of which he hoped would confer a lasting benefit on the community. When he rose to address their Lordships, he did not think of trespassing on their attention so long. He could assure them, that he should not have troubled them at such a length, if he had not felt himself called upon by the comments of his right reverend friend, to do that which he should not otherwise have felt it necessary to do—he meant to say a few words in defence of his brother Commissioners and himself. This was a subject in which they were all interested to a certain extent, not merely as legislators, or as persons intrusted by the Legislature with the inquiries into the subject, but as men—as gentlemen—as Christians. He was quite sure, that he spoke the sentiments of his brother Commissioners, as well as his own, when he said, that if they were not well convinced, that they were consulting the real happiness and comfort of the most interesting and defenceless portion of the human race, by making the suggestions they urged their Lordships to adopt, they would be the last to propose them. There was one argument of some importance which he had not yet touched upon. Notwithstanding the tone adopted by his right reverend friend, and that which he had felt it due to himself to adopt in reply, the whole discussion was almost upon a mere grammatical question, "whether it were just to fix a penalty not upon *the* man, but upon *a* man." It was very true, that if it were possible in all cases to fix upon the actual father, it would be proper to legislate with a view to impose upon him a certain pecuniary penalty; but there was no security for fixing the offence upon the real offender. He would not disgust their Lordships by entering into any detailed argument; but he apprehended it was quite clear, that when an unfortunate woman ceased to blush, she had no scruple in making her shame her trade, and fixing without remorse upon a man who might be, perhaps, perfectly innocent, with respect either to herself or to others; she did not hesitate to fix upon him the brand of ignominy, when she expected to reap from it a rich harvest for the maintenance of herself and her child. The present laws, in this respect, were calculated to deteriorate the morality, and to blunt the feelings of the lower orders of this country—the most numerous part of our population—the foundation of our prosperity—the sinews of our strength. It was on this ground—admitting that individual cases of hardship might occur—as they would under all great measures—yet, being convinced, upon the whole, that the community at large would be greatly benefited, if their Lordships thought fit to adopt the rules which the Commissioners proposed for their acceptance, that he had taken upon himself the task of defending those recommendations.

The Earl of *Falmouth* said, that his feelings most entirely rebelled against acquiescing in such a proposition as was contained in the clause now under the consideration of their Lordships. He deprecated the charge being cast wholly upon the female, for he was satisfied that, in nine cases out of ten, the seducer was the real offender, and not the woman, for she generally, by his arts, became his victim. Notwithstanding the great mass of evidence which had been adduced to show that the women were really the parties to be blamed for the errors into which both sexes, and every class of the community had so frequently fallen, his own experience, coupled with that of his neighbours, who were well versed and experienced in parish affairs, taught him, that these clauses would be wholly inoperative. The Bill, it was true, provided, that where the mother could not support the child, that then recourse must be had to the putative father; but, in the rural districts, the provisions of the Bill would defeat its own object; for the father being an agricultural labourer, long before the birth would contrive to reach another district, far out of the reach of the parish authorities. The security of the parish was entirely lost by the repeal of the powers of summoning the putative father during the pregnancy of the woman. On the whole, he never had supported more cordially any proposition than he should that which had been proposed by the right reverend Prelate opposite (the Bishop of Exeter) on the present occasion.

The Earl of *Radnor* was surprised at the sentiments which had been expressed by the noble Earl who had last addressed their Lordships. The noble Earl had deprecated the abolition of the power in the parish authorities to summon the putative father before the Magistrates, with a view to fix upon him the maintenance of his child; but the noble Earl had forgotten the evil consequences which arose from obliging an unhappy female of eighteen or nineteen years of age the victim of seduction, to come before a bench of Magistrates to swear to the father of her child. It had been forgotten by the noble Earl, that this practice must necessarily lead to the loss of that sense of shame which ought to be inherent in the female, while the exposure precluded the chance of her ever retrieving her character and self-esteem, which would be afforded to her if she could, through the instrumentality of her friends, hide her shame, and give birth to her child without being summoned before the Magistrates. From his experience as a Magistrate sitting at Petty Session, he was induced to come to a very different conclusion from that to which the noble Earl had arrived. Experience had taught him that the laws of bastardy, as now administered, produced a mass of perjury which it was truly frightful to contemplate. In support of the proposed plan, he would mention that, in the parish of St. George, Hanover-square, there were, about two months ago, 126 or 127 bastard children provided for by the parish. The parochial officers determined to prepare a house for the reception of these children, and take them under their own care and control, and to refuse relief to the mothers. After this determination was promulgated, out of 127 cases, only eight applied for relief. This showed most clearly that, if it were compulsory upon them, the mothers would contrive to provide for their illegitimate children. He repeated, that by the adoption of the proposed scheme, by saving unfortunate females from the exposure which was attendant upon the present laws, an opportunity would be afforded to them of retrieving their injured fame, and of returning to the paths of virtue. Under such circumstances he should support the clause.

Lord *Wynford* said, that though he entertained the highest respect and esteem for many of the commissioners from whom the present Bill had emanated, and with whom he had the satisfaction of being acquainted, yet he must differ from them upon the point now under the consideration of their Lordships. The law and even the Statute of Elizabeth had been misrepresented, because it had been misunderstood. It had been presumed that the law provided the payments to be made to the mother of the bastard child, and that her profligacy was only increased by such payments made to her use. Such, however, was not the law, and it was desirable that Magistrates who had the laws to administer should be informed of the fact that these payments to the mother herself were contrary and not according to the law as it at present stood. The payments were solely designed by the statute of Elizabeth to go to the indemnification of the parish from the charge of the maintenance of the child. By the alteration which was now contemplated, so far from decreasing the number of illegitimate children, the effect would be that the father, knowing that he was free from responsibility or punishment, would redouble his exertions in effecting the seduction of the object of his arts, and hence an increase in the list of illegitimates would ensue. He would remind their Lordships that great as was the crime of incontinency, still that of infanticide was a much more serious offence, and he would ask if any noble Lord was not satisfied on consideration that the enactments of such a clause as that now under discussion would tend greatly to the increase of that worst offence of the two? He condemned the proposition as most inefficient for the object it contemplated—namely, the security of the parishes, and was most cruel upon the female portion of the community. He deprecated, as much as the noble Earl, the abominable practice of bringing up a pregnant female before a Bench of Magistrates to swear to the author of her shame, and he was as anxious as the noble Earl could be to see that practice abolished. It was not required by law that any such indecent exhibition should be made. He felt convinced, that these clauses would wholly fail in the objects they were designed to achieve, and he should, under such circumstances, give them opposition.

The *Lord Chancellor* said, that after the observations which he had addressed to their Lordships on this day week, when he had opened the measure, he had thought he had precluded the possibility of his being called upon to take a part in any discussion which might arise upon this portion of the Bill, to which he had so specially and at some length called the attention of their Lordships. He, however, felt it due to the able and learned Commissioners whose labours had led to the measure now under discussion, to offer a very few observations in reference to what had been urged by noble Lords opposite, and by the right reverend Prelate near him (the Bishop of Exeter.) In the first place, he could not help thinking that the idea of imputing harshness or cruelty, or want of kindly feeling to the Commissioners towards the female portion of the community for the recommendation which they had submitted to the Legislature was, to say the least of it, if not uncharitable, because he could not conceive it to be uncharitably meant, supporting one of the grossest delusions that ever was attempted to be practised by men upon themselves. The question for their Lordships was one of expediency,—namely, in what manner it was possible to legislate to prevent bastardy, and to prevent bastard children from becoming burthensome to the parish in which they might be born. It was not the object of this measure to do honour to female virtue and chastity, though God forbid that in any alteration of the Poor-laws of this country anything should be done to the prejudice of the female character of the natives of this country. It was not the object, as had been assumed, of this Bill to make women chaste and men continent, for if that were the object, he doubted if their Lordships could be asked to agree to it. He was prepared, however, to demonstrate, that if the Bill had been constructed with a view to protect female virtue, and not to amend the Poor-laws, to make man more continent, and not to diminish parochial burthens, it could not have been better framed for the attainment of those objects than it now was. It had been objected to the Bill that it introduced a principle which went to punish the female who gave birth to an illegitimate child, and not the father. Now, he would undertake to say, that such was the uniform course of legislation, such was the law of the land already, and such was the principle on which all moralists had proceeded, and on which also Parliament proceeded every day in the year; and last of all, it was the principle upon which the laws of society at present stood. It was no novelty, neither was it proposed now for the first time to the Legislature. Two or three years ago their Lordships had placed upon their own journals the evidence of a most excellent and experienced gentleman, Mr. Simeon, the son of his late esteemed friend, the Master in Chancery—Sir John Simeon. That gentleman had been examined before a Committee of their Lordships appointed to inquire into the state of the Poor-laws (a Committee, he must remind their Lordships, for he drew a great distinction between a Committee and a Commission), and in page 361 of the valuable Report of that Committee the following appears:—Mr. Simeon replies, in answer to a question put to him in reference to the bastardy laws, that "the bastardy laws proceed upon the principle of indemnifying the parish, by throwing the onus of the bastard upon the father. Now (said Mr. Simeon) I rather believe that we shall never be able to check the birth of bastard children by throwing the onus upon the man, and I feel strongly convinced that until the law of the country is assimilated to the law of nature, and to the law of every other country, by throwing the onus more upon the female, the getting of bastard children will never be checked." This extract demonstrated that the Commissioners were not the inventors of this scheme as those excellent and learned individuals had been charged. A great outcry had been raised against the Commissioners, as if they were the originators of the plan. Nothing could be further from the truth. They were not to be charged as the originators of a measure which had been described as one which could be devised only by men of ungenerous sentiments and unmanly feelings. The plan had been recommended by Mr. Senior, who was a Magistrate, and no theorist; whose name, he was sure, was sufficient to convince their Lordships that he was not a person who would recommend anything inconsistent with justice and humanity. But what said the law of the land? Ever since the time of James 1st, bastardy had been regarded and punished as a crime in the woman, who was liable to be sent to prison or the House of Correction, while the man was suffered to escape. Yet this very principle was no more than that which the Commissioners had laid down, and which had been designated by those who had assailed and attacked them as unmanly, detestable, and abhorrent to every principle of humanity. But though he might expose himself to such attacks, and even to unpopularity, he was ready to participate with the right reverend Prelate in all the blame and censure which might be cast upon him for the course he now felt it to be his duty to pursue even at the expense of being denounced by his countrywomen, for the protection of whose honour and virtue he was as chivalrously devoted as any man in or out of that House. At the risk of even suffering in that quarter he had arrived at the conclusion at which also the right reverend Prelate had arrived—namely, to support the recommendation made by Mr. Senior in the year 1830—a recommendation which had been repeated by the Poor-law Commissioners in their report. He was ready to run the risk of every denunciation and of every degree of unpopularity when called on to support what he considered his duty, and what he considered beneficial to the country at large. But he need not refer either to Mr. Simeon's evidence, or to the Report of the Poor-law Commissioners, for common sense dictated that though want of chastity was a crime, a sin in man, it was still greater in a woman, whose error corrupted society at its very root. A noble Lord shook his head; but that noble Lord had only considered the subject superficially if he did not admit, that want of chastity in woman was a much more grievous offence than want of chastity in man. How could any person deny this? Did not the practice of all ages—did not the law of the land—and, indeed, did not common sense declare this to be the fact? Was it nothing for a woman to bring a spurious offspring to the bed of her husband; and would any noble Lord deny, that the sin of incontinence was not greater in an unmarried female than in an unmarried man? If this were doubted by any noble Lord, or any individual who heard him, the party doubting was guilty of the grossest hypocrisy; because, would any man hesitate to say, that if he saw his daughter in a house of ill-fame he would not hold her in a very different light from that in which he would regard his son if he discovered him in the same situation? In short, could noble Lords shut their eyes to what was of daily occurrence? Everybody knew, that unmarried men did not lead a life of continency, and that one-twentieth part of crimes of this description committed by a man would be the utter ruin of a female. The laws of society took precisely the same view of the subject; a virtuous woman was regarded as the bond of society, and when she once lost her virtue, "a pearl of great price," adieu to all decorum and decency in society; and if female chastity was once at a discount, not merely would the bonds of society be loosened, but actually burst asunder. Could there be any doubt of this? With the woman the decision of the question rested. Without her consent the consent of the man was useless, and the law of the land decided that the great part of the blame rested with her. This was peculiarly the case in adultery. That crime was visited by the law more severely in the woman than in the man; and could any man blame that law which placed the peeresses of the land—the women of the first rank—on the same footing with women of the middling and lower classes of society? But there was another question. Was the putative father always the real father? Was the man who was compelled to maintain the child always the person, who either by the laws of nature or common justice, ought to provide for its support? Every one knew the contrary. The right reverend Prelate knew this as well as any man, and could not deny the gross injustice, the perjury and immorality, which the present system gave rise to. What was the result of the law as it at present stood? Did not the wily seducer of a woman know that if he went a step further in guilt, and could tempt his paramour to have an intrigue with one richer than himself, he might afterwards induce her to palm his bastard child upon the latter; and that thus corrupting first her chastity, and then her honesty, he might render her the wife of one who had not been actually guilty of her seduction, and might afterwards, perhaps, commit with her the still more heinous offence of adultery? The general practice was for the woman to choose a wealthier man, and swear the child to him, whether he was the father or not. Every man knew, that such was the practice, and none better than those who had to preside at Petty Sessions; and he would ask could anything be more disgusting, anything more degrading to females, or any thing more destructive of the bonds of civilized society, than the practices which, day after day, and year after year were brought to light before the Magistrates? There was perjury on the part of the woman, dishonesty on the part of the man, and these combined led to the greatest injustice and oppression. The present law encouraged and fostered a crime only second to murder—the detestable crime of wilful and corrupt perjury. One word with regard to the hardship inflicted on the woman, and the effect which the proposed Amendment of the law would have, and in order to give weight to any observations of his own, he would refer their Lordships to a letter of the reverend Mr. Whateley. In this letter the reverend Gentleman stated, that in consequence of the regulations which he had adopted in his parish, (and these regulations, by the way, were exactly of the same kind with those contained in that Bill), he had reduced the poor-rates from 3,000*l.* to 1,200*l.* a-year, and the expenses for bastardy from 300*l.* to 12*l.* The reverend Gentleman further stated, that he had undergone much obloquy for some time—that at first he had met with great opposition from his parishioners, but that latterly the feeling had not only subsided, but had been changed into another of a very different description. The parishioners, too, had lately, without the reverend Gentleman's concurrence, presented a memorial to the proprietor of his vicarage to induce him to sell the advowson to him, as a compliment for the part he had taken in their behalf. The noble Lord, and the right reverend Prelate could not deny, that the plan of Mr. Whateley was good, not only as regarded the Poor-laws, but the Bastardy-laws; and why, therefore, did they not move for the rejection of the whole Bill? He admitted, that much had been done already by a change of system, but that had been visible only in a few parishes. There were four parishes, for instance, who had reformed themselves; but they formed only a dim light amidst the darkness that surrounded them. There were only a few gallant and spirited individuals who ventured to oppose prejudice, and submit to obloquy: these had fanned the flame of parish reform, and it was the duty of Parliament to come to their aid: the gloom that surrounded them might last for a season, but it would in time be dissipated. He called upon their Lordships to come to the aid of these parishes; to give them the authority which a lawgiver could only impart, and, by passing this measure, to extend all over the country the same system which had been successful at Cookham, and the three other parishes which had been enumerated.

The Bishop of *Exeter*, in reply, said, that he would not detain their Lordships longer than was necessary for referring to one or two points, which seemed to him to require explanation or illustration. He must repeat, that he considered the part of the measure now under their Lordships' consideration to be pregnant with the rankest and foulest injustice. It obliged the mother solely to maintain her bastard child if she could, while the father was excused from all liability, and that he charged as an act of the grossest injustice possible. It was, he asserted, contrary to the law of God; and he did not hesitate to say, that the maintenance of his illegitimate child was a duty imposed upon the father as much by the divine law as it was by human legislation. He must say, that he was astonished when he heard his right reverend brother call upon him to point out any distinct text of Scripture enjoining this doctrine. He had said, and he repeated it, that it was the law of mercy which religion impressed on the hearts of all men, and therefore no one could doubt that such a duty was incumbent on man according to the law of God. This must, he was convinced, be the feeling of every upright man. If, for instance, any one of their Lordships had the misfortune of having an illegitimate child, could it be doubted that he would feel it as much his duty to maintain that child as if it had come into the world under the sanction of the law? And if that was the case, would not every man who heard him—every man in the country possessing the feelings of a man—shudder at the proposition now before them? This was not only a duty imposed upon them by the general principles of religion, but it was an obligation to which express reference was made in the Holy Gospel. It was there said, that "he who does not provide for his own is worse than an infidel;" and therefore, where there could be no doubt as to whom the child belonged, the father was, even according to Scripture, bound to maintain it. But could a mere doubt excuse him from this duty? He thought that it could not. Nothing could excuse him from maintaining a child unless he had a moral certainty, some irrefragable proof, that it was not his. A man was as much answerable for the maintenance of his bastard before

God as he now was, and he hoped would continue to be, before man. It was one thing to provide for restraining the licentiousness of men; but would that be effected by such a law as this? Now what did this Bill contemplate doing? A poor woman was got with child, and after the child was produced, she would be compelled to labour for its support as long as she was able; but if she ultimately came upon the parish, what was to become of her according to this Bill? Why, she was to be consigned to the poor-house. What was then to become of her? She could have no hope of ever marrying, for this humane law put that out of the question altogether. No man would marry a woman so circumstanced, because his doing so would entail upon him the maintenance of her bastard, and therefore to such a woman the workhouse would be like the "Inferno of Dante," and might very properly have over the gate the inscription, "Who enters here, leaves hope behind." The woman who became the inmate of a poor-house, would be lost to hope for at least sixteen years, that being the age at which the child would be bound to maintain itself. But could it be supposed, that during all that time she would be disposed to lead a chaste and immaculate life? He thought not. The probabilities were, that she would not, and the result would be, that the workhouse would have a succession of illegitimate children every year. Under this system, poor-houses would be no better than dens of licentiousness, unless, indeed, women committing such offences were to be shut up in them day and night, without being allowed to see their friends for the whole period of sixteen years; but that would be a punishment so atrocious that he hardly thought their Lordships or the country would allow it to be inflicted. If this Bill were passed, a Session would not go over their heads without a cry being raised, not only by their Lordships, but by the country, for its repeal; for he must say, that a scheme founded on such gross injustice, human ingenuity had never before devised. It was assumed by the framers of the Bill that it belonged of right to the woman to maintain her child; but such assumption was not only most unjust, but contrary to all former legislation. Hitherto she had been protected from bearing more than her fair share of the common sin; but now it seemed she was to be consigned to a hopeless imprisonment, which was as abhorrent to common sense as it was repugnant to the feelings of manhood. But this part of the measure had only to be known to be generally reprobated by the country. While they pursued this strange sort of moral rigour against the female, were any pains taken to enforce morality on the part of the man? None whatever. The men were to be pardoned in their career of vice and profligacy—were to be excused from the consequences of seduction—no check was to be put upon their immoral proceedings, while the poor victim of their arts was to be compelled to labour until her frame was worn out, and exhausted nature drove her into an almost interminable imprisonment for the maintenance of the offspring of their common offence. On her the maintenance of the child was to depend until hardship and necessity drove her into the poor-house, and then only was the punishment of the father to commence, if he could be got at. It was his belief that he could not be got at; but even if he could, what would he be called upon to do? Why simply to provide for the future support of his child, and nothing more; for the charge in the first instance would amount to little or nothing. He would not dwell longer on a subject so painful, but he at the same time begged it to be understood that he did not charge the injustice of the measure upon either those by whom it was proposed, or those who had brought it forward. He believed they were actuated by the best motives; but, being convinced that it was an Act of the foulest and grossest injustice ever thought of, he felt that he should not have done his duty if he had not moved for the omission of the clause.

The Bishop of *London* had said nothing of the religious duty of a man to support his offspring. On that he had given no opinion. He said, that there was no express law of God on the subject; and he thought, that his right reverend friend could not believe, that the passage he had quoted from Scripture had any application to the question under consideration. What he had said was, that the law of God being silent on the subject, that enactment would be the most consistent with the law of God which placed the most effectual check on immorality.

The Committee divided on the original Clause—Contents 38; Not Contents 14; Majority 24.

List of the NOT CONTENTS.

Bexley, Lord
Boston, Lord
Cumberland, Duke of
Exeter, Bishop of
Falmouth, Earl of
Forrester, Lord
Harewood, Earl of
Kenyon, Lord
Mountcashel, Earl of
Shaftesbury, Earl of
Strangford, Lord
Westmoreland, Earl of
Wynford, Lord

The House adjourned.

HOUSE OF COMMONS,

Monday, July 28, 1834.

MINUTES] Bills. Read a second time:—Militia; Cinque Ports Pilot.—Read a third time:—Four Courts (Dublin); Weights and Measures; General Turnpike Act Amendment.

Petitions presented. By Mr. LYALL, from Tessington, in favour of the Connexion between Church and State.—By Mr. T. ATTWOOD, from the Friendly Societies, Birmingham, against the Bill concerning them.—By Admiral ADAM, from Alloa and Logie, in Support of the Church of Scotland.—By Sir C. BURRELL, from Hampstead, for continuing the Labourers' Employment Act.—By Colonel VERNER, and Messrs. FINCH and SHAW, from several Places,—for Protection to the Protestant Church in Ireland.—By Viscount LOWTHER, Major FANCOURT, and Mr. HARCOURT, from several Places,—against the Separation of Church and State.—By Lord ROBERT MANNERS and Mr. G. F. YOUNG, for Protection to the Church of England.

DUKE OF YORK'S CREDITORS.] Sir *Edward Codrington* presented a Petition from the tradesmen employed in furnishing the materials and in executing the works in the mansion erected in the Green Park called York House, upon the order of his late Royal Highness, the Duke of York. The petitioners stated, that being desirous to ascertain on what foundation they were to proceed, they obtained the autograph assurances of his Royal Highness that their bills should be paid every six months, as the works proceeded, and that they thereupon continued to execute them; that finding, at an early stage of their proceeding with the building, they were rapidly advancing a serious amount of capital to carry on their respective works they became alarmed lest any miscalculation of the total cost of the intended mansion might have been made, and thereupon deemed it right and prudent to ascertain from what source the monies were to be derived; that after much persevering diligence, they discovered that the various sums employed from time to time in making payments to them in respect of York-house were furnished from a department of his Majesty's Government, and were in fact part of the public resources of the kingdom, and that a sum of 30,000*l.* or thereabouts, which had been in the first instance advanced to his Royal Highness by a banker, was afterwards repaid from the same quarter; that during the life of his late Royal Highness all the demands becoming due in respect of the building aforesaid were regularly discharged by monies from the said department of the Government, and that within a few days previous to the demise of his Royal Highness a very large sum of money was so paid by one of the Secretaries of the Treasury to the Solicitor of his Royal Highness, and through that channel to the petitioners; that the petitioners respectively satisfied themselves during the life of his Royal Highness that all the payments due, and to become due, would be made from the source aforesaid, or they would not have continued to supply the materials and the execution of the works in respect of York-house; that the payments due to the period of the demise of his Royal Highness were refused, and that the petitioners were referred to the executors of his Royal Highness; that the amount of the payments due as aforesaid is 24,124*l.* that the petitioners did upon application to the Duke of Wellington, then the First Lord of his Majesty's Treasury, obtain a copy of the correspondence between his late Royal Highness and the Lords of the Treasury, constituting the agreement entered into by their Lordships for the supply of the monies for building and completing York-house, wherein their Lordships engaged to advance the sums necessary for building and completing the erection, in consideration of his Royal Highness granting to the Crown the right of pre-emption, in the event of his Royal Highness's death or other contingency. They therefore submitted, that in pursuance of the aforesaid agreement, before the privilege of pre-emption could be legally exercised by the Crown, the Lords of the Treasury should have paid all the sums of money expended in the erection of York-house, just as if his Royal Highness had lived until the completion of the building. They further stated, that the right of pre-emption had been exercised by the Treasury, although the balance had not been paid to them, and that payment had been refused, on the ground that no contract had been entered into by the Lords of the Treasury with the petitioners. The petitioners, therefore, considering the sum of 24,124*l.* to be still due to them prayed the House to direct an investigation into the matters contained in the petition. The gallant Officer proceeded to read the correspondence which took place between the Duke of Wellington and the other members of the then Administration and the Duke of York, on the subject of the building of York-house, which set forth the terms and understanding with which the building was undertaken, as stated by the petitioners. He begged the attention of the House to this petition; it was of the greatest importance to the country, as the honour of the Government was involved in it. If the principles of this contract were to be violated, then there would be an end to all contracts between the public and the Government of the country. In the first instance, it was denied by Government that there was any agreement, and upon this the contract was produced, and sent to the creditors.

Mr. *Warburton* supported the prayer of the petition, and observed, that he had no wish to impugn the character of the present Treasury. Circumstances, however, had lately come out which went to show, that the Treasury was not in all cases an oracle of truth. He did not impeach the present Treasury, but he must be permitted to observe that events had occurred which might induce that House to believe that on former occasions the Treasury was not the best authority for the existence or non-existence of certain documents. Here was a denial of the existence of the contract in the first instance; and when the Duke of Wellington was applied to, the Treasury produced the document. This was a case which called for inquiry, and he hoped it would be taken up early in the next Session.

Mr. *Charles Wood* said, the observations of the hon. Member rendered it necessary for him to trouble the House with a very few words on this subject. The whole of this transaction had undergone the strictest investigation, and, from the year 1826, when the claim was first made, down to the present time, there never had been the slightest difference of opinion entertained by any one of the individuals who had successively composed the Board. They all unanimously agreed that the claim was entirely without foundation. The Treasury was very far from being hostile to any inquiry the House should think proper to direct, but he was of opinion, after the House had been put into possession of the real facts of the case, they would not consider there was the slightest necessity for such a course. The transaction was a very simple one. An application was made by his late Royal Highness the Duke of York to the Government of that day, for a sum of money to enable him to complete the erection of his intended mansion in the Green Park, and for money already due for masonry, &c. The Government agreed to advance the loan required for the completion of the building, on condition that they should have the right of pre-emption in the event of sale, or the demise of his Royal Highness. The Lords of the Treasury, consequently, on the death of his Royal Highness, exercised their right of pre-emption, purchasing the property at a valuation which was put upon it by two impartial persons, and gave up a considerable claim they still possessed against the assets of the remaining estate. He could assure the House, that, so far from the Treasury having derived any benefit from the transaction, it had lost considerably, inasmuch as the sums advanced for the erection of the building were much greater than it was ultimately worth. That the sum of between 20,000*l.* and 30,000*l.* was still due for materials supplied and work done, he did not mean to deny, but nothing could be more clear than that the claim was upon the estate of his late Royal Highness, and not upon the Lords of the Treasury. The tradesmen who furnished the materials for the erection of the mansion stood precisely in the same situation with those unfortunate persons who might have advanced his Royal Highness money for clothes or jewellery, and it was much to be lamented that so many individuals were in that situation; but nothing could be more clear than the transaction between the Royal Duke and the Treasury, and therefore he hoped the House would see that any inquiry was quite uncalled for.

Mr. *George F. Young* said, if a loss was sustained by any individual from a loan made by the Treasury, that alone was subject matter for inquiry. He trusted the hon. and gallant Member would bring the subject under the consideration of the House in the next Session of Parliament, after it had been admitted by the hon. Secretary to the Treasury that the public money had been advanced for such a purpose; and even if it should be proved that the petitioners had no claim on the Treasury in this transaction, still, where money had been advanced from the public Treasury on such security as this, a full inquiry was demanded on the part of the public.

Sir *Edward Codrington* was of opinion, notwithstanding the explanation that had been given, that the Treasury were bound to fulfil the engagement they had entered into with the petitioners. It was monstrous to say, that because a contract had proved a bad one, the parties were exonerated from the performance of it.

The Petition to lie on the Table.

DRY ROT.] Mr. *Langdale* presented a Petition from John Howard Kyan, to inquire into a process which he had invented, for the prevention of Dry Rot in timber. The hon. Member stated, that an experiment of the discovery made by the petitioner had been fully tried by the Government at Woolwich and other dockyards in the country. A large piece of timber was placed in the "fungus pit" at Woolwich, and after remaining several years in the pit was found to be perfectly sound, and continued so after exposure many years to the open air. Mr. Farraday, who was at first opposed to the process, became so convinced by experiments of its efficacy, that he had lectured at the Royal Institution in favour of it. The fact was, that the corrosive sublimate (the matter used) formed a chymical combination with that part of the vegetable matter most likely to be affected, which altogether prevented a chance of dry-rot. Under these circumstances, the House would not do its duty if it did not press upon the Admiralty the adoption of the patent. If inquiry was necessary, it could be obtained by a Committee in two or three days, as all those most capable of affording it resided in town.

Mr. *Labouchere* could not agree with the doctrine of the hon. Member, that such questions as these were adapted for the consideration of that House, and hoped he would not force upon it the overseership of the navy, as it would lead to a great deal of inconvenience and confusion, at the same time, he could assure the House, that every disposition prevailed at the Admiralty to give the discovery of the petitioner a full and impartial trial. The hon. Member had correctly stated, that the experiment had been tried at the dockyard at Woolwich, and when he informed the House, that upwards of 300 discoveries, applicable to the same infection, had been submitted to the Admiralty, it would be instantly seen the importance of not adopting a proposition by which the whole navy of the country would be affected, without the most positive assurance as to the result. He was, however, enabled to inform the hon. Member, that the patent of the petitioner was about to be fairly tried at one of the docks, by adopting different sorts of wood prepared in the manner suggested by Mr. Kyan in the construction of the gates of the dock, which were alternately exposed to the influence of the air and the salt water. He would only observe, that the Admiralty was extremely desirous, as far as it was consistent with their duty to the public, to afford the fullest opportunity of a fair trial to those discoveries in art or science which held out any reasonable prospect of proving ultimately advantageous to the service.

Mr. *Rotch* expressed his perfect satisfaction with what had fallen from the hon. Member, and observed, that if such a disposition had been evinced by the Admiralty five years ago, the House would never have been troubled with the present petition. He thought, nevertheless, the petitioner had just reason to complain of the treatment he had suffered from the Admiralty. It was perfectly true that a piece of prepared timber had been put into the "fungus pit" at Woolwich, but the request to put a piece of plain timber into the pit with that which was prepared, was actually refused; and, therefore, the trial was in fact no trial, although after several years the prepared piece of timber came out of the pit in the same state that it went in. The hon. Member mentioned other instances where, for the purpose of experiment, sound and unsound timber had been put into the pit; that which came out as sound as it went in was officially reported to be infected with the rot, and that which was put in in a rotten state, was reported to be sound. On a public examination which subsequently took place, upon the very same wood which had been a second time the subject of experiment, the same individual was compelled to eat his own words, and actually reported the identical wood sound which he had before reported infected, He adduced these circumstances, every one of which had fallen under his own immediate knowledge, to show that the discovery of the petitioner had received anything but a fair trial; but, like the roots of a tree, they might all be traced to the same stem. It was well known that the surveyor of the navy had said the discovery was all a delusion, and that it was of no use whatever; and when an individual whose opinion on these subjects influenced the whole of the members of the Navy Board entertained particular theories, it was not to be expected that discoveries, however valuable, would obtain an impartial experiment. So great was the influence of the individual alluded to, that though the First Lord of the Admiralty had adopted the patent in building his own house, though the Commissioners of Woods and Forests had employed it in the Regent's-park and elsewhere, still the same discovery could not be applied to the navy, where some hundred thousand pounds would be saved to the country, because a high authority reported it useless.

Sir *Edward Codrington* was convinced there was every disposition to give scientific discoveries a fair trial by the present Lords of the Admiralty, as evinced in the present instance, as well as in the case of some of his constituents, who had submitted some discoveries to the Board of Admiralty and had received the greatest encouragement. The blame rested with the late Admiralty, of which he would give the House an instance. A Danish officer sent a valuable discovery to the Admiralty for experiment. His invention met with no encouragement, and probably no trial was made of it, and in a short time he was informed it was useless. Under these circumstances, he (Sir Edward Codrington) gave him a letter of introduction to Admiral de Rigny; the invention was immediately adopted by the French government, and applied to the whole of the French navy. He had the curiosity to ask the officer what he demanded for his discovery, when he said, he should have been contented to give it up to the Admiralty for 500*l.* Was it not therefore a national disgrace that an invention which might have saved many thousand lives and an endless expense to the country, and which could have been obtained for such a paltry sum of money, should have been lost to the country for the want of a fair trial.

Petition to lie on the Table.

The King of Oude.] Mr. *Herries* rose to call the attention of the House to a subject of very great importance. He begged the indulgence of the House as he feared he should be obliged to trespass upon their attention for some time. It had been his intention to have brought forward the subject as an Amendment on any Motion which might be made for a grant for the service of our East-India possessions; but the business of the House was conducted so irregularly, indeed, of necessity so irregularly, that he trusted no apology was required, either for delaying the subject so long or for bringing it forward at the present time. When he considered the nature of the case, and the extraordinary circumstances by which it was attended, it was a matter of surprise to him that no other Member had taken up the affair, and made it a subject of discussion; for he felt convinced that when the House heard the statement he was about to submit to them, they would be of opinion, that the circumstances connected with the case were most extraordinary, and exhibited conduct as strange as any that ever took place in any public department. The House was aware that in the last Session an Act was passed for the better administration of the affairs of India. The topic to which he was about to call the attention of the House was one of the first occurrences in the progress of the new system thus created, and the House would judge whether or not it afforded a good omen of future temperance and discretion in the administration of the affairs of that country. On the one side there was an exercise of power—of authority and peremptory command to put a certain order into execution; on the other hand, on the part of those who received this order there was a fixed and resolute determination not to obey it—a determination which could be justified only by a strong conviction of the injustice of the command which they were called upon to fulfil. From the statement, clear and concise as it could be made, which he should feel it his duty to submit to the House, they must conclude that one or other of the two parties was very much in the wrong. He should first endeavour to state to the House the course of the most singular conflict which had taken place between the two parties. He held in his hand a paper which had been laid upon the Table of the House out of the four corners of which it was not his intention to travel; for that paper contained all that it was necessary to submit to the attention of the House upon the present question. It opened in the following manner:—"On the 12th of April, 1832, the Board of Control addressed a letter to the East-India Directors desiring them to prepare a despatch for the purpose of directing the government of India to compel the king of Oude to pay certain claims upon him on behalf of Calcutta bankers." To this letter of the 12th April the East-India Directors, on the 9th of May, answered in general terms. They replied upon the general principle embraced in the present case, and urged that its decision would involve other cases of a similar description. They pointed out the very pernicious consequences that would be likely to result from their recognizing the principle involved in the direction of the Board of Control. To this letter an answer was received upon the 14th May which was also couched in the most general terms. They were desired to execute the command. They have not executed that command—they have paid no obedience to it, and in refusing to do so they have considered themselves perfectly justified. In this state matters remained from the 14th of May till the 15th of September; on one part an order made, and on the other refused to be executed. On the 15th of September, a letter was addressed by the Board of Control to the East-India Directors, reminding them that they had not executed the order they had received, enclosing them a draft of the order which they were directed to send out, and referring to the Act of Parliament which gave the Board of Control, the power of preparing this order. This letter of the 15th of September contained not only the most peremptory orders to execute the order, but even contained a draft of it, and still the Directors refused to obey it. On the 1st March, 1833, the Directors addressed a letter to the Board of Control which contained the fullest and most elaborate reasons for having opposed the order which had been received from the Board of Control. If there were any Gentleman in the House who had not read that letter, he (Mr. Herries) would take leave to call his most particular attention to it. It was decidedly the ablest public document which had ever come under his consideration. It omitted no single point in the controversy. Whoever might have been the author of that document, whether it were the Judge Advocate or not, it certainly did him very great credit, and in his judgment, it showed the impolicy of the course which the Government had pursued. Well, was that document answered? It remained for seven months with the Board of Control, and then how did the House suppose it was disposed of? The reply which was sent acknowledged the receipt of the letter—complimented the Directors as being "entitled to every consideration"—and concluded with a peremptory command to execute the order, which had been originally given. Confident in the justice of the cause they were pursuing, the Directors refused to obey this last order. From the 12th of September, when this short answer was returned to the long and elaborate letter of the East-India Directors, it would appear from the proceedings of the Directors that various communications had taken place between the Board of Control and the Chairman of the Company. In all these communications the Chairman and the Deputy Chairman deprecated the execution of the order. On the 15th of January, 1834, there was a meeting of the Court of Directors, the first public meeting after the receipt of the peremptory letter to which he had adverted. The proceedings which took place at the Court which was held, showed very decisively what the feeling of the Directors was upon the subject. It was at that meeting resolved, that the order of the Board of Control was unjust in principle, that it was inconsistent with the preservation of British authority in India, and that the Directors would not consent, even ministerially, to act on the order of the Board, unless they were compelled by law. At a subsequent meeting of the Board, held on the 5th of February, a letter was received from six of the Directors, expressing their determination not to affix their signatures to the declaration of the order of the Board of Control, and characterising the fulfilment of the order as a measure of spoliation towards the people of India. At the time of which he was speaking, there was another proceeding taking place in the Court of King's Bench. A rule had been moved for, to show cause why a *mandamus* should not issue, compelling the Board of Directors to execute the order of the Board of Control. On January 31, 1834, a rule was moved for, and it was upon their receiving instructions, that this rule would be moved for, that the Directors had recourse to the proceeding he had just mentioned. The House was aware, that an Act of Parliament gave the Board of Control a power to compel the East-India Directors to send out to India any commands given by the Board of Control. The manner of enforcing this was by application to one of the Courts of Law. However, it would be obvious to the House, that the decision of a Court of Law, upon this question, could in nowise effect the merits of the despatch ordered to be sent out. The decision of the Court of Law would merely prove, that the Board of Directors were obliged to send out the order of the Board of Control, while it left completely untouched the question, of whether or not such an order was either just or politic. At a subsequent Court of Directors, a declaration was read from two of the Directors, expressing their acquiescence in the opinion of the six Directors who had sent the letter submitted to the preceding meeting. If any argument were attempted to be drawn from the apparent want of unanimity amongst the Directors, he (Mr. Herries) could only say, that those Directors who had not signed the document were prevented, not by a conviction that the "order" was not unjust and unwise, but by an opinion, that it might, perhaps, be impolitic to openly and determinedly decline sending out the order of the Board of Control. After some further details the right hon. Gentleman proceeded to express his regret that, on the present occasion, the right hon. Gentleman was not present who happened to act in a new capacity, as one of the officers of his Majesty's Government, and who filled the two distinct characters of a Director of the East-India Company, and of his Majesty's Judge-Advocate-General. He regretted, that that right hon. Gentleman (Mr. Cutlar Fergusson) was not then in his place, upon an occasion involving considerations of so much importance to those parties with whom he was connected; because, if he had been in the House, he (Mr. Herries) would have appealed to him for his valuable assistance in ascertaining what course it was intended to pursue. But he knew, that that right hon. Gentleman's sentiments on this question were very strong, and that there were no legal means which he would not resort to, to prevent the execution of these orders. He had thus stated an extraordinary case as regarded the Board of Control. Twenty-three Directors were opposed to this order. Then no reason had been given for the resignation of eight Directors, nor had any reason been given by the Board of Control for their conduct in this affair. He had put the question, whether the Government intended to abandon those proceedings which they had taken, and he was given to understand, that they would not prosecute the transaction; but from what had since transpired, he felt himself perfectly justified in saying that, though the proceedings of the Court of King's Bench had been given up, the matter was not altogether abandoned, because it was intended to adopt some other mode of interference. There was, indeed, in these extraordinary proceedings—first, a remonstrance, and then a positive resistance on the part of the Board of Directors. But let the House look to the transaction itself. What was it but one which referred to the settlement of old usurious jobs of forty years' standing? If this were not an Indian question, he should take it for granted, that every hon. Gentleman had read the whole of the papers connected with it; but, as this might not be the case, he would detail it. Here the right hon. Gentleman gave, at great length, by reading from various papers, reports, &c., an outline of the case, and stated that, up to a certain period, a practice prevailed of lending money to the native princes of India;—a practice which originated a variety of abuses. It was a subject to which the attention of the Government of this country was especially called some half a century since; and it must be admitted, that it was a system of abuse which all Administrations had since wished to repress. By virtue of various treaties, the king of Oude transferred to the British Government in India a portion of his territories in lieu of certain subsidies. By two treaties in the year 1798—by one in 1801—and in no less than seven subsequent treaties, all of the same character and purport, it was provided, that the king of Oude, in respect to his private debts, &c., should be free from all interference on the part of the British Government. A certain proposal, it appeared, was made by the Vizier of the Nabob, or king of Oude (as we understood) to the British resident for his interference, upon the king finding himself placed in a situation of difficulty, but no application had been made to the Government; the proposal did not come from the king. At one period the Nabob of Oude made a complete and favourable settlement with all his European creditors; and (whether the fact were creditable to the ruling powers in India at the time, he would not say) he made an equally unfavourable settlement in regard to his native debts. The result of this unequal arrangement was, that the native creditors had received only one instalment out of six, and, therefore, they were still creditors. The native creditors had applied to the Government in India, who refused to interfere; but, after a lapse of twenty years, a letter was, in the year 1814, obtained, being addressed by the Marquess of Wellesley to the Marquess of Hastings, containing the opinion of the noble Lord, given many years after he had ceased to hold the high office with which he was invested in India. In this it was recommended, in the very strongest terms, that there should be a discharge of all the claims on the king of Oude. This letter went to sanction that which had just been refused by the Court of Directors; and that same letter had never been laid before the Court, but was addressed to the agent, Mr. Prendergast. In the reply, the Marquess of Hastings had declared, that the Government could not, in this instance, interfere in the internal affairs of the king of Oude. In the years 1813, 1814, 1819, and 1822, the matter had been decided in the same way by various authorities. He found it admitted, by the Board of Control, that this principle of interference was one which ought to be avoided, and that they were solemnly bound to abstain therefrom. An attempt had been made to prove, that this was an extraordinary case; but, if it were so, there was no ground for taking it out of the operation of a general principle. The present claims against the king of Oude could only be enforced by the most wretched and grinding system of maladministration, and the most oppressive enforcement of internal taxation; if, indeed, such a system did not lead to the deposition of that monarch, and the total loss of his territory and other legal rights. If the right hon. the President of the Board of Control had been in possession of such reasons and arguments as were sufficient to convince the Court of Directors of the propriety of the course they were called upon to adopt, why had the Board of Control sought for a *mandamus* from the Court of King's Bench? But if the right hon. Gentleman possessed no such cogent reasons and justifiable arguments, why have recourse to such an order? But if, above all, it was right to apply for a *mandamus*, why was it so suddenly and without notice abandoned? What justification could his right hon. friend plead for the adoption of such a course? He felt that, under all the circumstances which he had stated, the Government had placed itself in such a situation that some ground of justification, some satisfactory explanation (if such could be given), was due to the House and the country. He was at a loss to know how it was, that a reformed House of Commons could allow a question, involving such monstrous proceedings as were disclosed by the papers on the Table to remain so long without observation. For his own part, he felt that, in bringing forward this subject, he had only done his duty to the House in calling its attention to it; and he trusted that, in his manner of doing so, he had not acted with any want of courtesy or good feeling towards those persons to whom, in the course of his observations, he found it necessary to allude.

Mr. *Charles Grant* said, that there were two points alluded to by his right hon. friend, to which he would at once give an answer, because he fully coincided with him upon them. The first was, that he had only done his duty in making this inquiry, and the second was, that, notwithstanding the vast extent to which his right hon. friend's opinions differed from his own, still he (Mr. Grant) was sure the House would coincide with him in admitting the courtesy with which his right hon. friend had called the attention of Parliament to the subject. There was another observation of his right hon. friend which had his fullest concurrence — namely, that the affair called for the most serious attention of the Legislature. He was sorry that an old observation was likely to become proverbial, that the affairs of India were daily becoming more and more matters of indifference in that House. It was, therefore, right and necessary that this question should be brought under their consideration, but he hoped with a view to the attainment of more beneficial effects than were likely to arise from the advocacy of his right hon. friend. He said this because he felt that his right hon. friend was rather late in giving to the House an example of the interest which ought to be taken in the affairs of that country; indeed it was matter of surprise that his right hon. friend had not earlier turned his attention to Indian affairs. But he recollected that, last year, when the most momentous question that had ever affected India was introduced, so little was his right hon. friend's anxiety on the subject, that he did not favour the House even with a single opinion upon it. Notwithstanding this, however, he hailed even this tardy return of his right hon. friend to a participation in, what he conceived to be, the duty of the House towards the affairs of India, as it might have the effect of directing the minds of other hon. Members in a similar manner. His right hon. friend had expressed his regret that some difference of opinion had taken place between the two great authorities connected with India—the Board of Control and the Court of Directors; but now that those differences were composed, and that harmony was restored, it was kind in his right hon. friend to endeavour to preserve that harmony by reminding them of former differences and going over afresh all the grounds of discord. He had a high respect for the Board of Directors; he felt, that in all questions affecting India, their opinions had, and ought to have, great weight; but he felt, that he, too, was entitled to his opinion, grounded as it was upon the authority upon which he acted He was aware that the local knowledge and experience of the gentlemen composing the Court of Directors was of great advantage; but he could not conceal from himself the fact, that it was also productive of some disadvantage. Gentlemen who had resided for a long time in India, were, from local habits, likely to gather round them a certian Asiatic mode of transacting business. The principle involved in the question before the House was this—were the whole of our British subjects, no matter of what caste or colour, no matter whether European or native, entitled to the same meed of equal and impartial justice at our hands? Had that principle been uniformly acted upon, the House would never have had the present pass brought before it. He would shortly state to the House the justice of that case, which had been somewhat improperly termed an "old job," "a usurious job." That the claims in question were of long standing he freely admitted. They had existed during the last forty years. They arose out of transactions which occurred in 1796, and had been continually kept alive since that period, under a succession of public authorities. The debt was an old one, but he knew of no debt of a State which could be barred by time; if a just debt in the first instance, its justice must continue. But whatever might be said on that subject, the claims were not his; they were handed down by his predecessors in office, and had been preferred at various times for more than the last thirty years. They were made before the Court of Directors in 1811, and also in 1812. They were made in 1816, and were still held to be an open claim in 1819; it was brought under the notice of Mr. Canning. Again, in 1822, it was referred to a Committee, but was not persevered in because the Government was dissolved. It was revived during the Administration of the Duke of Wellington; and Mr. Prendergast, the agent, had drawn up a memorial to be laid before the Government, but the Government was again dissolved. He knew not whether the Duke of Wellington's Administration had made up their minds upon the subject; but of this he was sure, that if they had done so either way, the agent was unacquainted with that fact. He would shortly state to the House his view of the origin and character of this debt. The claims of these parties rested on bonds given by the Nabob of Oude, to persons whose representatives were the present claimants, men who were for the most part eminent bankers and rich men in the East Indies, and who were all subjects of Great Britain. The principal firm had a house of the first distinction in Benares, but had also houses in Calcutta and other places. The father was distinguished as a man of great wealth, and had been remarkable for his attachment and loyalty to the English Government, so much so that in the struggle between Mr. Hastings and the Rajah of Benares, he rendered essential service to the English. By those parties eleven lacks of rupees, or about 111,000*l.*

was advanced to the Nabob of Oude. In 1799, an inquiry as to this debt was entered into by the resident of Lucknow, and the Nabob was told by the Government there, that he was bound to pay it. The Nabob divided his creditors into three classes, to whom he offered different amounts of compromise. The first class consisted of British merchants, the next of his own native subjects, and the third also of British subjects, but of men who were natives. The native subjects in his own territory were compelled to take the terms offered to them; the British merchants also accepted of theirs; but the natives who were British subjects, refused to take the terms offered to them (being less favourable), alleging that they were entitled to receive terms equally favourable with their fellow-subjects of this country. The British Government was applied to; but, perhaps from the colour of the parties, in vain; and from that hour to the present, the native British subjects never received any compensation. It was upon this ground, that he called for equal justice towards all his Majesty's subjects in India, no matter what their colour. It was upon this ground that he applied to the Court of Directors with the power which the law, by various enactments, had placed in his hands. In consequence of his advice a *mandamus* was applied for; that was in February. The case was to be argued in a limited time after, but in the mean time a measure was proposed between the two authorities, which, if agreed to, would render useless any such legal proceeding. Upon that ground it was that the order was discharged. Some of the highest officers under the Company in India had at various periods expressed opinions favourable to the debt. Amongst them, he mentioned the members of the Executive Government, and three most respectable and able Civilians, Mr. Edmonds, Mr. Seaton, and Mr. Dawson; also Mr. Cherry, the Marquess of Wellesley, and the Marquess of Hastings. He next referred to a letter written by Lord Hastings to the Governor of Lucknow, stating that the debt which had been contracted for the support of the Nabob's troops, and his general Government, ought to be paid. Lord Hastings gave directions to our resident to demand such payments. Lord Teignmouth not only expressed a similar opinion, but gave similar directions. The right hon. Gentleman next referred to a letter of Mr. C. Wynn, when he was President of the Board of Control, in which it was stated that the claims made by the creditors ought to be honestly liquidated. The opinion of the Law Officers of the Crown and others had been taken upon this subject. They had the opinions of Lords Brougham and Plunkett, and of Lord Lyndhurst and Sir C. Wetherell, who said, that although the claimants had no strict legal right, yet that they most certainly had an equitable right. The opinion of Sir John Leach also went to the same effect. When the question was referred to the present Board of Control, he placed all the papers before the late Sir James Mackintosh, and his opinion was, that the claims should be then considered *de novo*. Mr. Cherry was sent as resident to Lucknow, to investigate the finances of the Nabob of Oude. He found them in a very dilapidated state. He reported their amount, but not having instructions to investigate the nature of the claims on the Nabob he sent for further powers. These powers were given to him; his report was agreed to by the Governor General and the Nabob; and this took place as far back as 1795. If, indeed, this extension were not permitted, the object of the mission of Mr. Cherry and our Governor General would have been entirely frustrated. In April 1796, Mr. Cherry made another report, which was approved of by General Martin, a gentleman who at that time held a high situation in the service of the Nabob. A copy of the examination taken before Mr. Cherry was sent home, and the propositions suggested by him for the liquidation of the bond claims were agreed to so far back as 1822. It was said, that the general conduct of the East-India Company was one of non-interference with the affairs of the native Princes; but from 1765, down to the present day it was a system of interference—in the times of Mr. Hastings, Lord Teignmouth, Lord Cornwallis, and Lord Hastings—and, in some instances, their interference had gone so far as to depose one prince and elevate another to his throne, and, in many cases, to interfere with the pay and allowances of the native soldiers. In short, he considered, from many documents in his possession, that the kingdom of Oude was only held as a fief of the British Government. The Nabob, as he had stated, had not the means of carrying on his Government without borrowing money to supply the wants, especially of his army, and to meet the interest of previous loans and the loans he obtained to do so were sanctioned by Mr. Cherry, the agent of the Indian Government. It was clear that, at all events, by implication, the parties who obtained a portion of the loan should so far repay the lenders. But it was said, if these claimants were paid, others would also demand payment. Why not? If these claims were just, though they might not be public claims, yet he would say, in common honesty, that they ought to be paid, though they did not stand exactly upon an equal footing. Objection was taken, however, to the rate of interest which was charged; it was certainly extravagant, whether thirty-six or twenty-four per cent; but it was the rate agreed to—it was the market rate of interest at the time these transactions took place between the parties. He was surprised that the Court of Directors were so hostile to these claims, because it was one of their rules, as between debtor and creditor, that the interest bargained for should be paid at the rate of interest stipulated for by the parties. According to that principle, the Company acted in all their Courts of Justice. His letter, which was written in 1832, left this question to the Governor General of India. The words of that letter, which had been so much complained of, did not imply the use of force. It had been said, that he had written no letter in answer to the Court of Directors;—he had communicated his answer verbally to the Court of Directors. It was plain, that Lord Wellesley did not mean to exclude the consideration of these claims. If the proposition of the Nabob had been accepted, the Company never could afterwards interpose, and they would have been in the situation in which it was said the Directors were. The proposition was rejected by Lord Wellesley, because, as he said, it would cancel all the public debts of the State. Lord Hastings did not agree that there was any impediment to these claims, because in 1816, he had made this application. He knew at what point it could be said, that a State acquired the right of committing wrong with impunity. He therefore could not agree to the declaration of Mr. Canning upon this subject. It should be remembered that this money was not to be drawn from the poor people; but from those resources which ought to go to the payment of the debt.

Sir *Robert Peel* said, that the arguments of the right hon. Gentleman who had just sat down were by no means sufficient to bear out his vindication of the course he had adopted in suing out a writ of mandamus from the Court of King's Bench to compel the East-India Company to enforce these claims upon the unfortunate prince on whom they were made. The question was within a very narrow compass, and to make it intelligible to those Members of the House who did not perhaps wish to hear much of the intricacies of the case, or of those strange Eastern names to which English ears were not much accustomed, he should give a very plain statement of the transaction, so as to put it on a footing intelligible to all. This debt, as well as many others of the same nature, was contracted so long as forty years ago, bearing an interest of thirty-six per cent. Since then, several Governors of India had made application for a settlement of these claims, and had endeavoured by their amicable interference to procure an arrangement satisfactory to the parties, but none of them ever thought of proceeding to any other course than that of a friendly interference, He considered it a very harsh measure, and by no means a just one, to call for the interference of the Court of King's Bench to compel the Company to pay this large sum. Was the Government prepared, and did it feel itself at liberty, to vindicate the claim of every British subject who happened to lend his money to a foreign independent State without the Government of the country, or its agents, having in any way become responsible for or guaranteeing the repayment of that loan? This was precisely the footing on which the question stood. If such were the views on which the Government was acting in the matter it was clearly confounding transactions of debt with which we had nothing to do with those other wrongs which alone in an international sense could call for the interference of our Government to protect British subjects. In cases of simple debt contracted by an independent State with a British subject, he contended the Government of this country had nothing whatever to do; but, above all, it could not be justified in attempting to interfere by force. If the right hon. Gentleman was prepared on the part of the Government to avow this right of interference, with what delight would not the holders of Spanish bonds, and of the bonds of the Cacique of Poyais hear of the avowal. Suppose any British subject were now to engage in a loan transaction with any of the new States of South America, could it be said, that the Government of this country was bound to see that the terms of that loan were satisfied? Certainly not. Yet this would be precisely a similar case. Did not the enormous amount of interest that was to be paid upon this loan by the King of Oude show, that the lender did not consider that he was to have the guarantee of the British Government or the aid of British bayonets to sustain his claim for repayment. Instead of demanding thirty-six per cent would he not have been satisfied with some reasonable and moderate rate of interest if he knew or imagined that England was to be his security, and not merely the King of Oude? Was it right, then, for the Government to interfere in a purely private transaction? And what would be the consequence of this interference? Why, that other parties would make similar claims, and how could we refuse them if we interfered on the present occasion? The right hon. Gentleman had disclaimed any intention of interfering with force or intimidation; but what other construction than that he entertained such intention could be put on his communications with the Board of Directors, and the instructions which they were required to send to their agents and officers in India? He looked upon this question as widely distinct from the claim which a British subject would have on the protection of his own Government against a positive wrong done to him by an independent State. The right hon. Gentleman had referred to various authorities to sustain his view of the case; but, in his opinion, those authorities made against the right hon. Gentleman. Neither Lord Wellesley, nor any other Governor, ever attempted to enforce those claims. The authority of Mr. Wynn, when at the head of the Board of Control, was decidedly against them; and Mr. Canning was equally opposed to them. If the right hon. Gentleman would say, that he disclaimed all idea of enforcing those claims by any act or threat of intimidation, then he would at once sit down. If the matter was now closed, and that the Board of Directors understood that nothing was to be done, as the right hon. Gentleman had said, without the consent of Parliament, he would be content with that understanding. This was the sole purpose for which his right hon. friend had brought the subject before the House, and not with any view to perpetuate any difference that might exist between the right hon. Gentleman and the Board of Directors. He was willing to leave the matter to be decided by public opinion after it had remained unsettled for forty years without any Government interference. It was clear that the right hon. Gentleman and the Board of Directors took very different views of this subject. He admitted, that if the claim had been sanctioned or in any manner guaranteed by Mr. Cherry, it would materially alter the case, but there was nothing in Mr. Cherry's correspondence that could support such an opinion. He hoped the King of Oude would have the spirit and judgment to follow the example of the Company; and resist a compliance with what he as well as they must feel to be an improper order. It would not do to attempt to enforce this claim upon the King of Oude, unless the Legislature could carry conviction of its justice home to the breast of every native Prince in India, or otherwise we should run the risk of shaking to its foundation our whole Indian empire. Unless we could do this our motives would be misconstrued. If we were determined to violate all Treaties, and in defiance of them to dethrone the King of Oude, let us at least not begin by forcing from him a large sum of money. If we were to usurp and assume to ourselves the Government of the territory of Oude, let us take care that we did not show an interested motive for doing so, and let us be the more cautious in this because we happened to have the power and authority in our hands.

Mr. *Hume* doubted very much if the right hon. Baronet, who was so desirous that others should understand the subject, really understood it himself. The right hon. Baronet had asked why this one claim only was selected. The reason was, which the right hon. Gentleman did not seem to know, that this was the only claim that remained unsatisfied. Could any thing be clearer than that the Nabob of Oude admitted the justice of this claim when he offered a compromise? But the agent for the suffering parties refused to take less than they had a right to claim; and this refusal he considered as an additional proof that their claim was well grounded, and that their conviction was, that the transaction was a real and just one.

The subject was dropped.

ADMISSION TO THE UNIVERSITIES.] Mr. Hume moved the third reading of the Universities Admission Bill.

Mr. *William E. Gladstone* said, that having received his education in one of those venerable institutions, the constitution of which the present Bill proposed so materially to alter, he craved the attention of the House whilst he endeavoured to expose a few of the fallacies which were entertained by the public as to the fitness and expediency of legislation on this subject. In the first place he could not but observe, whatever might be the propriety of the present measure, the House and the country were decidedly labouring under a delusion if they fancied that such an enactment could be practically carried into effect. He did not mean to say, that the authorities of these Universities would resort to any subterfuge for the obstruction of its provisions; but by the natural exercise of the discretionary powers with which they were invested, and in the ordinary course of the forms to which applicants for admission must in all cases conform, persons of obnoxious character or principle could not hope to be admitted. The law might enact that the new student should be subject to no test of faith on his admittance, and to that law the Universities would be obliged to bow obedience. But it should be recollected, that before the ceremony of matriculation could take place the Vice-Chancellor had to inquire of the new comer what College he belonged to. Here they were all abroad at once, for the tutors and heads of Colleges, holding and being resolved to act up to the opinions they now entertained, would invariably refuse admittance to their respective Colleges in the first instance. The Bill would consequently be inoperative, and it might be asked of him, therefore, why he should now rise to oppose it, since it could do no harm? But though the present measure was not one which could work out the objects which were held in view by its promulgators it was one which, if passed, must inevitably lead to great dissension and confusion, and eventually to endless applications and legislation in that House. He would, therefore, endeavour to vindicate the character of the University establishments of the country, and to show, upon principle, why the present attempt to subvert their object and destroy their efficiency should be resisted by the House. It could not be denied that the object of the founders and benefactors of these institutions was, the maintenance of the Established Church, and the cultivation of its doctrines in the rising generation of the country. For 800 years that wholesome object had been kept in view, and the Universities had become the preparatory seminaries to the Church Establishment. Now in a country where there were seminaries for all her professions, was it too much to demand that the Church should be allowed her seminaries too? The Universities had been spoken of as national institutions. He admitted the term, but not in the sense with which it was generally put forth. They were undoubtedly national institutions, but only in so far as they were connected with the National Church. The vital principle of these collegiate foundations was to provide a course of education which should attend to the moral character as well as the scientific attainments of their pupils. To attain this a certain fixed course of study and of discipline must be observed. But how could this be done when by the Bill before the House it was proposed to throw open their doors not only to Dissenting Christians of every sect and denomination, but also to all sorts of persons, be they Christians or not? This he hoped the House would never allow. In the course of the various arguments which had been put forth in support of this measure the University establishments of the continent, and especially those of Germany, had been cited, and a comparison drawn between them and those of this country. But the case between them was very different, and he would beg to cite the authority of M. Cousin to show in what that difference consisted. The Universities of Germany did not pretend to hold that important place in the moral constitution of the State which our Universities had by long and established usage been admitted to. The business of the former institutions was merely to provide for matters of general and scientific instruction, and M. Cousin had distinctly stated, that they objected to include religious instruction in their course, because it would bring within their walls a subject of continual difference of opinion. Now, these were the dissensions which were avoided by the German Universities, and which it was now proposed to force within the walls of the Universities of England. If the Parliament of this country sent Dissenters of every denomination into the Universities, they reduced them to this dilemma: either they must destroy the system of education hitherto pursued in those Universities, or they must degrade the Dissenter by obliging him to conform to parts of that system which he did not concur in. Under the present state of things—what he was about to say, he spoke in no offensive sense—the Dissenters were allowed to remain in, and participate in the benefits of, the Universities during good pleasure; that was, whenever there might occur anything in the forms and regulations of the University, which the Dissenter did not choose to comply with, there was this sole alternative: the Dissenter had to comply, or to leave. With regard to the course of education which a Dissenter would receive at Oxford, it was not solely of that scientific and classical nature which, as was pretended, men of every sect and shade of belief might equally participate in; the lecturer on moral philosophy, for instance, would find himself placed in almost as delicate and unpleasant a predicament in regard to his various pupils as the lecturer on divinity itself; and, indeed, throughout the whole scheme of instruction, including the classics themselves, there was or should be a constant aim at the one grand object of Christian and moral improvement kept in view. Now, as to the abuses which, it was pretended, had crept into the administration of the affairs of the Universities. He did not stand there to defend those establishments and all that was connected with them as complete perfection; but could any one pretend to say, that the abuses complained of flowed out of the institutions themselves? Was the practice of daily prayer for instance (a practice observed to this day), in that House before the commencement of public business—was daily prayer a bad practice in itself, and such as ought to be prohibited? A noble Viscount opposite (Viscount Palmerston), who was himself a member of one of the Universities, said on a former occasion, that it gave him pain to see the students of the Universities going from wine to prayers, and from prayers to wine. Now, he (Mr. Gladstone) had not so bad an opinion of his fellow-collegians as to believe that even in their most convivial moments they were unfit to enter the House of Prayer. He believed that nine-tenths of those who entertained contrary opinions of the practical morality of the Universities knew nothing about the matter, though of course, he must conclude, that there were some who knew by experience what they were saying. But, however the practice might be subject to abuse, surely the principle was not a bad one. It might be modified; the prayers might be shortened; but they could not with any show of reason or expediency be entirely done away with. How could the system, however modified, of the College be preserved when once Dissenters of every denomination were admitted, a class of persons, who would be universally, and by their own tenets, expressly excluded from these devotions? To show still further the dread with which the present measure was looked upon by all the respectable individuals concerned in the government of the University of Oxford, he would beg to read one passage from the Memorial they recently drew up upon the subject. The greatest unanimity prevailed amongst the members of that University; out of nearly 100 of the heads of Colleges, and others immediately connected with the instruction and discipline of the place, there were only two dissentient voices. Let not the Government suppose that this was a party question at Oxford between the adherents and the opponents of the Ministers. The adherents of the Ministry were undoubtedly in a minority at Oxford—but upon this question men of all parties were agreed. The following passage he would take the liberty to read from this memorable Declaration. The above learned and respectable individuals said, "That the University of Oxford has always considered religion to be the foundation of all education, and they cannot themselves be parties to any system of instruction which does not retain this foundation. They also protest against the notion, that religion can be taught on the vague and comprehensive principle of admitting persons of every creed. When they speak of religion they mean the doctrines of the Gospel as revealed in the Bible, and as maintained by the Church of England as settled at the period of the Reformation; and as on the one hand they cannot allow those doctrines to be suppressed, so, on the other, they cannot consent that they should be explained or taught in any sense which is not in accordance with the recognised tenets of the Church of England." What, he would ask, was he to gather from this solemn declaration? What did it mean but this, that if the House were to attempt to compel these respectable teachers to act contrary to their conscientious and fixed resolutions, they would virtually abrogate their functions? Hon. Members might smile and sneer at this notion; but he would ask what other construction could they put upon the declaration, that "they could not themselves be parties to any system of instruction which did not rest on the purest foundation?" In his opinion no other construction than the one he had suggested could be given to those impressive words. It was said of the ancient Romans, that they

> "Made a solitude and called it peace."

He very much feared that the House, in establishing their present principle of religious liberty, would drive from their functions men who had so long done honour and service to their country, and thus inaugurate their reign of religious peace by an act of the grossest tyranny.

Mr. *Vernon Smith* could not believe that the effect of this Bill would be to subvert the Established Church of this country. On the contrary, he thought that such a measure must be beneficial to the Church. The preamble of the Bill removed the necessity of subscription to the Thirty-nine Articles upon entrance to the University of Oxford; and the practice of compelling subscriptions to the Thirty-nine Articles upon entrance at Oxford was very prejudicial to the interests of the Church. When he went first to the University of Oxford, he appeared before the Vice-Chancellor of that day, the late Dr. Hudson, a learned and excellent individual, who of all men would be the last to administer carelessly or negligently the prescribed forms of the University. He had subscribed a variety of things usually put before young men upon matriculation—such, for instance, as that he would never appear in the High-street except in blue breeches and yellow stockings, and many other things of the same sort, until, at length, he was asked, whether he was aware that he had subscribed the Thirty-nine Articles. He replied, that he was not, and thereupon the matter was a little more clearly explained to him. Could any one think that such a course could tend to promote the interests, or to add to the stability of the Established Church? He applied the same argument to another system of the University, of which the hon. Gentleman who spoke last had undertaken the defence—namely, the daily attendance at chapel. He would not say, that daily worship was not a proper institution for a University, but the daily attendance upon divine worship at Oxford was not insisted upon or enforced upon grounds of religion; it was only enforced as a matter of discipline. The Bill was rather to be considered as a compliment to the Dissenters, than as affording them any substantial benefit; because, though that Bill should become a law, the Universities might make such internal regulations as would completely prevent the admission of any Dissenter within their walls. The hon. Gentleman seemed to think that the admission of Dissenters to the Universities would be a national evil. He entertained directly the opposite opinion. It would be a national good The Dissenters—an active and intelligent body of men—asked to be admitted to the same privileges as their fellow-countrymen—to participate in the same advantages of education—to exercise their vigorous understandings in the promotion of science, and the advancement of the literature of the country. Was there anything unreasonable in such a request? Was it possible that any danger to any institution in the State could ensue from acceding to such a request? If the request of the Dissenters was reasonable, the Universities ought to prove, that mischief could result to society at large, or to the institutions of the country, from its being acceded to. He could not see any mischief to be apprehended. The hon. Gentleman said, "The army, the navy, and other professions have their places of education, why should not the clergy of the Church of England have their place of education also?" If the University of Oxford were only a seminary for parsons, he should agree with the hon. Gentleman; but Oxford professed to be a national institution for general instruction in literature and the arts. The hon. Gentleman himself acknowledged that the University was a national institution. Admitting that, he thought, it would be impossible to refuse persons entering those institutions, upon the ground of their dissenting from the doctrine of the Church of England. He knew that there might be practical difficulties in the way of adopting any scheme for procuring the admission of Dissenters into the College; and, therefore, his hon. friend did right in proposing only to establish the principle by the present measure. Unfortunately, the ground upon which the Legislature had proceeded for many years had been to refuse concessions until concessions had been extorted from it. Such was the course pursued with respect to the Roman Catholic claims, until, at length, the Legislature was obliged to yield to the agitating energies of the hon. and learned member for Dublin what it had refused to the statesman-like eloquence of Mr. Pitt. Smugglers had driven us into free trade, and poachers into an abandonment of the Game-laws. If the cry of "the Church is in danger" should ever assume an appearance of truth, he would take his stand in its defence, for the sake of religion itself, and of domestic peace, to the preservation of which he believed an Established Church to be essential. At the same time, he was perfectly ready to admit, that every Dissenter who understood his own interest, was for the separation of Church and State. If the Dissenters, however, in seeking for the present measure, thought that they were taking a step towards the separation of Church and State, it did not abate the force of his argument. He was not prepared to refuse a demand which, upon the face of it, appeared to be just and reasonable, by degrading the Established Church, supposing that it was nothing but a fine and flimsy fabric raised up for the purposes of the State, and for the mere sake of adding grace and dignity to a religion that was purely ornamental. He believed the Church of England to be based on a firmer foundation than to be overturned by a measure of justice. It was strong in itself, and would be strengthened by the admission of Dissenters to the Universities, where they never would gain any influence. He should vote for the Bill, hoping that it might receive the support of the other House of Parliament.

Mr. *Baines* said, that he should claim the attention of the House to a few observations, and he was the more disposed to do this, as he had not declared his sentiments on the Bill in any of its former stages. The hon. member for Newark (Mr. Gladstone) had said, that this Bill, in its present form, would not benefit the Dissenters. It would, however, do one thing—it would remove the religious test at the Universities; and if that was effected, a step in advance would be made towards their admission to those national seats of learning. The object of this Bill was, to allow persons of all religious denominations, who had the means within their power, to enjoy the benefit of an University education. This, he thought, must be admitted to be a just claim, whether considered as to the original foundation of the Universities, or as to the present state of society. The original statutes admitted all, and excluded none; and it appeared by the earliest records of Oxford, that as early as the year 1231, Henry 3rd issued an ordinance admitting to that University the master and scholars of the University of Paris, who had been driven from their University by persecution. The Statutes of those early times showed, that there were then no tests, nor did any exist at Oxford, in either the time of the Lollards, or of Wickliff. In the University of Cambridge, as early as the reign of Edward 1st, that Monarch had been called in to arbitrate upon the point, to what part of the country, and to what classes of the people, the benefits of this University should extend; and his decision was, "that they should extend to all who repaired thither for instruction." This showed the intention of the founders of the Colleges; and in that state they remained till the period of the Reformation, at which time, as appeared from a paper in his hand, there were thirteen Colleges at Oxford, which were increased by three pending the Reformation, making sixteen out of the nineteen Colleges at that University; while at the University, there were twelve out of the sixteen Colleges in existence before the time of Henry 8th, and two others were erected before the order of James 1st was issued, directing that tests should be imposed on the taking of degrees in that University. The term University had in it an argument for the general use of these seats of learning, which were meant to be universal, both as to the subjects taught, and the persons to whom they were communicated. In this sense the term was understood and applied in other countries, and it was an extraordinary fact, deserving of attention, that the Universities of Oxford and of Cambridge were the only Universities that were closed to a large proportion of the middle classes of the people in any country in Europe. This, the Dissenters of England, on whom the exclusion operated, felt as a grievous indignity, and they thought it unjust that Englishmen should attempt to degrade Englishmen by excluding them from the best seats of literature and science. This exclusion was justified on the ground, that the Colleges were Ecclesiastical Corporations — that they were schools of theology — and that the morning and evening services of religion were indispensable to the Colleges. As to the first of these points, Sir William Blackstone said expressly, that they were not Ecclesiastical but Lay Corporations; and Professor Pusey the present Regius Hebrew Professor at Oxford, had declared: "One fortnight comprises the beginning and the end of all the public instruction which any candidate for holy orders is required to attend previous to entering upon his profession." He had also another authority upon the same point, equally strong; it was that of Professor Thirlwall, of Cambridge, the martyr to his principles, who said, in the face of the whole University, who could have contradicted him if he was wrong—"We have no theological Colleges—no theological tutors—no theological students." How, then, could the Universities be a school of theology? As to the daily morning and evening services, the Professor said—"That to an immense majority of the congregations they are no religious services at all, and to the remainder they are the least impressive that can be conceived." And yet these were the arguments that had been insisted upon so much for excluding Dissenters from the Universities. But it was said, that, by giving instruction to young men of various religious opinions, heterodoxy was promoted; and the Colleges of Daventry, Manchester, York, Hackney, and Lady Hewley's charity were quoted as proof of this, though they had no affinity to the case. Nor had the experiment been tried in the London University. But an experiment had been tried at the college at Homerton, over which that learned and excellent divine, the Rev. Dr. Pye Smith presided, where there had been a religious test imposed for eighty years, which test was abolished twenty-two years ago, without any prejudice, as he was authorized to say, to the College or its students. The petitions against the admission of Dissenters to the Universities had been relied upon; but how stood the fact? There were, according to the last-published votes of Parliament, 418 petitions against the admission of Dissenters, containing 40,881 signatures; and 1,103 petitions, containing 344,000 signatures for the Dissenters' claims, of which admission to the Universities was one. He had said, that the Dissenters, if admitted to the University, would claim equal privileges with the members of the Established Church, and to that declaration he adhered. They sought no superiority, and they thought that they ought not to be subject to any inferiority. As to the Bill of his hon. friend, the member for South Lancashire, he should give that Bill his most cordial support. It would abolish the tests, and by showing the disposition of the Legislature, would, he hoped, prevent any measure, either in the Colleges, or in the Universities of Oxford or of Cambridge, that might contravene the liberality of Parliament.

Mr. *Hughes Hughes* said, that the hon. Member, one of the Lords of the Treasury (Mr. Vernon Smith), in his support of the Bill, must be considered as having made a very ungracious and ungenerous return to the University of Oxford, whose education had enabled him to address the House with so much ability. Notwithstanding the remarks he (Mr. Hughes Hughes) had several times taken occasion to make (as the hon. Mover was aware) on occasion of presenting petitions to the House against the Bill, he could not content himself with giving an entirely silent vote, and the more so as the hon. Lord of the Treasury had referred to the annual grant made by Parliament to defray the charges of the salaries and allowances to certain Professors in the Universities, as entitling the Dissenters to the admission sought by the Bill. Now, as he had, on a former opportunity, stated to the House, it appeared by Returns laid upon the Table, on a Motion made by him, that the amount annually received from the Universities, as duty on matriculations and degrees, was upwards of five times as large as the annual grants to which reference had been made. Not, however, to dwell upon a minor point, he could assure the House, and was most anxious it should be fully understood, that his opposition to the present measure did not proceed from aversion to the Dissenters, towards whom, as a body, he entertained the most friendly feelings, and with many of whom, as the hon. member for Leeds (Mr. Baines) well knew, he lived on the most intimate terms. He had no hostile or illiberal feeling whatever towards the Dissenters; nothing could be more foreign to him than anything of the sort; he wished every facility to be afforded to every man to worship God according to the dictates of his own conscience. He opposed the Bill for two reasons, one of which respected Dissenters, the other the Established Church. He could not conscientiously accede to the measure on behalf of the Dissenters, because he believed it would delude the expectations it would create, by proving perfectly inoperative and ineffectual for its professed objects; unless the House were prepared to go much further than the Bill, in its present shape, sought to do, and to meet the Declaration of the Oxford tutors, to which his hon. friend, the member for Newark (Mr. W. Gladstone) had referred, with an enactment, that they should instruct the youth committed to their care, not agreeably to their own religious opinions, but according to the ever-varying views of the parents and friends of such youth, Dissenters might, under the Bill, successfully claim admission to that University on one day, but would, as certainly be prepared to quit it on the next, and this the hon. Lord of the Treasury had virtually admitted. With reference to this point, as he had on a former occasion stated to the House, he had repeatedly inquired of intelligent Dissenters, whether they would consent to relax one iota of the laws and rules by which their Colleges of Hackney, Hoxton, or Cheshunt, were regulated, in order to accommodate themselves to the introduction of the sons of Churchmen, and had uniformly received for answer, that if admitted, it must of course be in the ordinary way. Now, he would put it to the House whether, after such an admission, it was reasonable that Dissenters should require that the University should abrogate the laws which governed them, and in so doing also trample upon the wills of the Founders of the various Colleges. He likewise felt it to be his duty to object to the Bill on behalf of Churchmen, who had what he considered to be a vested interest in the Universities, as places for securing to their posterity a sound education in the doctrines and principles of the established religion. On these grounds, and seeing it was not calculated to give satisfaction to the party it affected to benefit, while it greatly wounded the feelings of the other party, he considered it his duty to conclude with a Motion, that the Bill be read a third time that day six months.

Mr. Sinclair seconded the Motion, which was put from the Chair.

Mr. *Goulburn*—They had now a Bill different from the former one: the present Bill was not the same as that called for by the petition, or the same as that brought in by the member for Lancashire. And was the House of Commons now called on to pass in its third stage a Bill different from the Bill introduced in the former stage? The hon. Member gave no reason for the change. If there were not some finesse designed, he would have explained the cause of the change. His objection to the Bill was founded on the inconsistency, if not the mischief, of separating religious from literary education. He would never assent to give up as a compliment the utility of training up the youth of the country in religious instruction, according as the petition from Cambridge advised. If they abandoned the form of religion they would soon learn to abandon the essence of religion. If Dissenters accepted of the terms of admission they were bound to conform to the rules of the College to which they obtained admission. Again, he would say, that if he found one individual who would open the Colleges to Dissenters under existing circumstances, that man had a more pliant conscience than he had. He intended only to say a few words in reply to the arguments advanced; but these he would utter honestly. Those Gentlemen had no right to supersede the statutes and principles of the University. Some of the arguments went on the assumption, and it was nothing else, that the Colleges were national institutions for the national good, without reference to religion. He could not see it in that light. If they did not train the minds of the youth of the country to the principles and habits of religion, it would be hard to say, to what end their morality would tend. He should regret to see the practice of the London University adopted in the two established Universities; but as even then they could not extinguish the practice of religious instruction, it was a strong argument why it should not be abolished in the Universities of Cambridge or Oxford. The hon. member for Leeds said, as a proof of the former toleration of Cambridge that persons expelled from the University of Paris were admitted there. But, then, be it recollected, that the religion of both countries was the same. The hon. Member had mentioned the case of Edward 1st, having gone to the University of Cambridge, and declared, that it was an open University—open to all; it might be well, however, if the hon. Member who relied upon that fact had taken the trouble to look at dates, Edward 1st, let it be remembered, died in 1307. Now, at that time, the only College that existed in Cambridge was Peter-house; every one of the others had been founded since, the next oldest not till nearly fifty years afterwards. The coming of Edward to Cambridge, had therefore nothing to do with the question [Mr. *Baines:* Peter-house College was at that time the whole University]. He admitted, that but that had no bearing on the present question because there was then but one University in the country? The hon. Gentleman also said, that the majority of the Colleges did not belong to the Church of England; but could he really be ignorant that the second article in Magna Charta recognised the establishment of the Church of England? He would tell the hon. Member that there was no period of our history in which the Established Church of this country, as an institution sanctioned by the nation, was not recognised. The former Bill went to admit all to matriculation and degrees, but reserved fellowships for the members of the Established Church; whereas the present Bill went further, and did not exclude Dissenters from any preferment, but threw all the emoluments of the Colleges open to all indiscriminately. Whatever regard that House might have for the encouragement and promotion of science among Dissenters and every portion of the community, it appeared to him a monstrous proposition, that in order to indulge that disposition the system of religious education should be destroyed. Let hon. Members consider the effect of this Bill with respect to the grammar-schools. He had before adverted to that topic, and so strongly did he feel its importance that he could not avoid doing so again. The only test of fitness to preside in one of those schools was the fact, that the candidate had taken a Master of Arts degree at one of the English Universities. If this Bill, therefore, passed into a law, the intentions of the founders of those establishments would be violated, their wills would be perverted, and their bounty used for purposes wholly in opposition to their wishes. He knew the House, especially at that late hour, was little disposed for further discussion: but still he could not avoid remarking that he had on every opportunity protested against a Bill of such great importance being discussed at a late hour, and at a late period of the Session, when many hon. Members were necessarily absent, and all were desirous of being so. He would not, therefore, longer trespass on the House, for he felt that in its present temper [The House had called repeatedly, "Question," and so interrupted the right hon. Gentleman that it was with difficulty he could proceed] he could not hope to do so with any good effect, but would conclude by again protesting against the measure as one which must, if efficient to its declared purposes, destroy religious education in as far as the Universities were concerned.

Viscount *Palmerston* (who spoke amidst cries of "question" and repeated interruptions) contended, that the only argument used by the right hon. Gentleman (Mr. Goulburn) was, that the Bill must destroy religious education at the Universities. Now, if that assertion were disproved, the whole of his argument fell to the ground. Then he (Lord Palmerston) asked, were not Dissenters admitted without hindrance to Cambridge? They were. [Mr. *Goulburn* said, "No."] He begged to say, that Dissenters did partake fully of the whole course of education at Cambridge. There were no inquiries made with a view of preventing them from pursuing their studies. It had been invariably the practice to avoid inquiries; therefore, if any bad effect was to result from the admission of Dissenters, that bad effect must have been already felt by the University of Cambridge; but it had not been felt by that University, and therefore, it was not true, that the purpose for which the University of Oxford was founded, would be frustrated, if Oxford were placed on the same footing as Cambridge was placed by practice. It seemed to him, that the argument answered itself, and that the right hon. Gentleman was placed in a dilemma from which it was impossible he could escape. The hon. Gentleman who spoke first in the discussion, alluded to an opinion expressed by him on a former occasion, with respect to the compulsory attendance of students at Divine worship. It was almost unnecessary for him to make any remarks upon that part of the question, because he concurred in the conclusive defence made by his hon. friend, the member for Northampton. He had no hesitation in repeating what he stated on the former occasion. Admitting as fully as the hon. Gentleman, the benefit of daily attendance on Divine worship, he maintained that when that attendance was compulsory, and when large bodies of young men left those meetings of wine-bibbing to which allusion had been made, and which, however the case of the hon. Member might have been, he must say, from his own experience, were not the best preparations for serious meditation, or the proper observance of Divine worship, the wisest course was not adopted for the promotion of piety, and the increase of religion. The hon. Gentleman argued that this Bill would be an instance of persecution, by compelling men who thought that it was contrary to their religion to admit Dissenters to the Universities, so to admit them. That argument of the hon. Gentleman was founded, undoubtedly, upon truth, but it was founded upon a painful truth, with respect to the constitution of human nature; because it was certainly true, that there was nothing which mankind resisted more stubbornly than any attempt to compel them to cease from acts of intolerance. In that respect, it would be persecution, but it would be a sort of persecution which he was not afraid to join in, and which he would gladly concur in inflicting upon some of the professors at Oxford. He could understand how those who entertained the opinion, that religious distinctions ought to be the foundation of all political and civil rights and privileges, could think that the present Bill would be subversive of the principle of Church and State; but he could not, by possibility, understand how those who thought that religious distinctions ought not to be the foundation of civil rights could resist this Bill. Those who emancipated the Roman Catholics, and abolished the Test Acts, by which they admitted Catholic and Protestant Dissenters to enjoy civil and political rights could not oppose the present measure, with any consistency. He supposed those Gentlemen would affect to say, that the instruction afforded by the Universities was calculated to qualify men for the discharge of their duties, as members of a particular religious community, and for the discharge of duties peculiarly belonging to the clerical functions. But it was not true to say, that these were establishments to educate persons for holy orders. The reverse was the fact. Only see the inconsistency to which those hon. Gentlemen were reduced! They admitted Dissenters to sit in that House, and to discharge the highest functions of legislation; they admitted them, together with members of the Church of England, to perform every duty, civil and political, which could be performed, in every class and relation of life; and yet they said, that Dissenters should not be admitted, in common with the members of the Church of England, to those institutions of the country where the best education could be obtained. They, in effect, therefore, said, that Dissenters might be placed in situations which should require every degree of political knowledge, and the highest cultivation of the mind, and yet they should be denied the means to qualify themselves for the discharge of the duties which such situations might impose on them. This did appear to him the grossest absurdity and inconsistency of which public men ever were guilty. In the name of common sense, all those persons, who had most properly, and most advantageously to their own character, as well as to the country, enabled Dissenters to take a share in all the civil duties, and to partake of all the civil rights which the Constitution recognizes, were bound to give them their support on the present occasion, if they were prepared to act up to their own principles. He did not value the argument which had been advanced, that this Bill would be ineffectual; because he could never bring himself to believe, that if the Legislature should admit the principle, that religious dissent should not form a ground of exclusion from the benefits of a good education to be attained at the Universities, however the Universities might, by the strict exercise of their particular privileges, defeat the object of the Legislature, he could never, he said, believe that enlightened, intelligent, and honourable men, such as the persons charged with the government of those Universities, whatever might be their private opinions, would endeavour by any new regulations of their own, to defeat that which should receive the deliberative sanction of the Legislature.

Sir *Robert Inglis* rose amidst cries of "Divide." He had before had the indulgence of the House extended to him; it was not abused; and if it were now again extended to him, it should not be abused. The noble Lord had entirely misunderstood the argument of his right hon. friend (Mr. Goulburn), which was, that under the present system the heads of the Colleges at Cambridge did not know, through any of the College laws or regulations, that there was a distinction there. The fact was, that no exception was made at Cambridge in favour of Dissenters, and there was but one discipline for all students. Now, this Bill would entirely alter that, and expressly provide, not a system of discipline for the University, but a system for the admission of Dissenters. The hon. member for Northampton (Mr. Vernon Smith) had said, that no doubt when the Bill was passed, the heads of Colleges would be found to concur in its provisions rather than sacrifice their places. That hon. Member knew but little of the principle which animated those honourable men. He could well admit, that a Whig might be ready enough to sacrifice his principles for his place; but he was more confident that the heads of the Houses in the Universities would never make any such sacrifice, but would ever maintain their principles, even though they should lose their places. He was indeed astonished to hear such an imputation against those honourable men from one who had been educated by them. Had the hon. Member forgotten how Magdalen sent forth her fellows when the tyrant James attempted to force upon them a new principle? Such men would again be found if a similar occasion occurred. If that Bill passed, it would speedily appear, that there was in Oxford a power to awake in every College a resistance that would reject it, and he had good reason to believe, that a like spirit of high and pure principle would not be found wanting in Cambridge. The hon. member for Leeds had said, that the Universities were national establishments, and that then they ought to be open to every sect of the community. Why, every College almost demanded qualifications of a peculiar character. Under one founder, a benefit was limited to persons born in a particular county, under another, to persons born in a particular diocese, and under another to persons born in a particular parish. How, then, could the hon. Member say, that they were purely national establishments, and ought to be open to all? Then the hon. member for Northampton had talked of petty details; but if attendance at chapel was a petty detail, then must religion itself soon become a petty detail. The hon. member for Northampton had also said, that the Bill would only be a compliment to the Dissenters, for that in fact it would give them no substantial rights, but only facilities for leaving sectarianism. If that was the way the hon. Member complimented, he (Sir Robert Inglis) hoped, he should ever be exposed to his attacks. Nothing which had been said had altered his opinion of the measure, and he should continue to give it his unqualified opposition.

Mr. *George Wood* was inaudible for some time, owing to the cry of "Question." The hon. Member continued standing for a considerable time, but could not obtain a hearing.

The *Speaker* suggested, that perhaps some one of the hon. Members who were so much opposed to the debate going on would, on reconsideration, move its adjournment to some future day.

Mr. *George Wood* was then allowed to proceed, though not without interruption. He contended, that the Bill had not been altered either in its principles or its enactments. If the Bill should pass, and the heads of Colleges should wish to defeat it by enacting bye-laws, the remedy was easy, and would consist in the foundation of new Colleges. The Bill threw the Universities open, but it interfered with no private College. The Bill would only make Oxford do that which Cambridge practically did, and Oxford and Cambridge do that which Dublin did. He had not brought forward the Bill for sectarian purposes, for he really believed that, instead of promoting sectarianism, it would make it less offensive, by making the Church more tolerant and comprehensive.

Mr. *Estcourt* said, the hon. member for Leeds had attributed a statement to Professor Pusey wholly at variance with the fact. He had stated that Professor Pusey had declared that before a student took holy orders, the only theological discipline he went through as to study was to attend lectures for a fortnight. Now, the fact was, that every student before taking holy orders was obliged to attend those lectures, but he also went through a continuous course of theological study from the period of his entering the University.

Mr. *Baines* had quoted the words of Professor Pusey.

The House divided on the Question, that the Bill do pass—Ayes 164; Noes 75: Majority 89.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Althorp, Lord
Attwood, T.
Bainbridge, E.
Baines, E.
Barham, J.
Baring, F. T.
Barnett, C. J.
Barron, W.
Barry, S.
Beauclerk, Major
Berkeley, C.
Bernal, R.
Bewes, J.
Biddulph, R.
Blamire, W.
Blake, M. J.
Briggs, R.
Brocklehurst, J.
Brotherton, J.
Brougham, W.
Buckingham, J.
Bulteel, J. C.
Burton, H.
Byng, G.
Calvert, N.
Campbell, Sir J.
Carter, J. B.
Chapman, M. L.
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clements, Lord
Clive, E. B.
Codrington, Sir E.
Cookes, T. H.
Crompton, S.
Dalmeny, Lord
Davies, Colonel C.
Denison, W.
Dillwyn, L.
Divett, E.
Duncombe, T.
Dundas, J. W.
Ebrington, Lord
Elliot, Captain
Etwall, R.
Evans, G.
Ewart, W.
Ewing, J.
Fenton, J.
Ferguson, Sir R.
Fielden, W.
Fellowes, W.
Fleming, Admiral
Fox, Lieut.-Colonel
French, F.
Gaskell, D.
Gillon, W. D.
Grey, Colonel
Grey, Sir G.
Gordon, R.
Gronow, R. H.
Hall, B.
Handley, B.
Harland, W. C.
Hawes, B.
Hay, Lord
Hawkins, J.
Hill, Lord M.
Howard, R.
Howard, P. H.
Hudson, T.
Hurst, R. H.
Hutt, W.
Kennedy, J.
Labouchere, H.
Lambton, H.
Langdale, C.
Langston, J. H.
Lennard, Sir T. B.
Lennard, T. B.
Littleton, E. J.
Lumley, Lord
Lushington, Dr.
Lynch, A.
Macleod, R.
Macnamara, Major
Mackenzie, J. A. S.
Maitland, T.
Marjoribanks, S.
Methuen, P.
Morpeth, Lord
Moreton, A.
Mostyn, E. L.
Mullins, R.
Murray, J. A.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Dwyer, A. C.
Oliphant, L.
O'Reilly, W.
Oswald, J.
Palmerston, Lord
Pease, J.
Pelham, C. A.
Pepys, Sir C.
Perrin, L.
Petre, W.
Philips, M.
Pinney, W.
Potter, R.
Poulter, J.
Price, Sir R.
Pringle, R.
Pryme, G.
Pryse, P.
Rice, T. S.
Richards, J.
Rider, T.
Rolfe, R. M.
Rooper, J. B.
Russell, Lord J.
Russell, J. F.
Ruthven, E. S.
Ruthven, E.
Scholefield, J.
Scrope, P.
Seale, Colonel
Shawe, R. N.
Stanley, H. T.
Stanley, E. J.
Stawell, Colonel
Stewart, P.
Steuart, R.
Sullivan, R.
Talbot, J.
Tancred, H. W.
Tennyson, C.
Thicknesse, R.
Thomson, C. P.
Troubridge, Sir E.
Torrens, Colonel
Tooke, W.
Todd, R.
Tower, C.
Turner, W.
Waddy, C.
Walker, C. S.
Wallace, R.
Warburton, H.
Wason, R.
Waterpark, Lord
Watson, W.
Wedgwood, J.
Whalley, Sir S.
Whitmore, W.
Wigney, J. N.
Wilks, J.
Williams, W. A.
Williams, G.
Winnington, H.
Wood, C.
Yelverton, W.
Young, G. F.

TELLERS.

Wood, G. W.
Smith, R. V.

List of the NOES.

Archdall, M.
Arbuthnot, Hon. H.
Attwood, M.
Bankes, W. J.
Baring, A.
Baring, H. B.
Blackstone, W. S.
Bolling, W.
Bruce, Lord E.
Brudenell, Lord
Buller, J. W.
Campbell, Sir H. H.
Chandos, Marquess of
Colborne, N. W. R.
Cole, Hon. A. H.
Corry, Hon. H. T. L.
Daly, J.
Dare, R. W. H.
Darlington, Earl of
Dugdale, W. S.
Duncombe, Hon. W.
Estcourt, T. G. B.
Finch, G.
Gladstone, T.
Gladstone, W. E.
Gordon, Hon. Capt.
Goulburn, Rt. Hon. H.
Greene, T.
Grimston, Lord
Harcourt, G. V.
Hanmer, Colonel
Hayes, Sir E.
Henniker, Lord
Herbert, Hon. S.
Herries, Rt. Hon. J. C.
Hotham, Lord
Hughes, W. H.
Inglis, Sir R.
Irton, S.
Jermyn, Earl
Jones, Captain
Kerrison, Sir E.
Knatchbull, Sir E.
Langston, J. H.
Lefroy, T.
Lefroy, A.
Lemon, Sir C.
Lincoln, Earl of
Lowther, Lord
Lowther, Colonel
Lyall, G.
Manners, Lord R.
Marryat, J.
Maitland, T.
Meynell, Captain
Neale, Sir H.

Nicholl, J.
Norreys, Lord
Peel, Sir R.
Penruddocke, J. H.
Perceval, Colonel
Phillips, C. M.
Reid, Sir J. R.
Ross, C.
Sandon, Lord
Sanderson, R.
Scarlett, Sir J.
Shaw, F.
Sheppard, T.
Sinclair, G.
Somerset, Lord G.
Stormont, Lord
Trevor, Hon. R.
Villiers, Lord
Wall, C. B.
Young, J.

HOUSE OF LORDS,

Tuesday, July 29, 1834.

MINUTES.] Bill. Warwick Borough. A further examination of Witnesses took place on this Bill, the second reading of which was again postponed.

Petitions presented. By the Marquess of LANSDOWN, from British Residents at Calcutta, for a Law protecting Tithes.—By the same, from Citizens of London, in favour of and by a NOBLE LORD, from Leeds, against the Poor-Law Amendment Bill.—By the Earl of MULGRAVE, from Okehampton, for Relief to the Dissenters.—By the Earl of MANSFIELD, from Logie, for Protection to the Church of Scotland.—By the Bishop of EXETER, from Exeter, against the Universities' Admission Bill.—By the Duke of GLOUCESTER, the Marquess of CLANRICARDE, Lords WYNFORD and BEXLEY, and the Bishops of EXETER and GLOUCESTER, from a Number of Places,—for Protection to the Church of England, against the Separation of Church and State, and against the Claims of the Dissenters.—By the Earl of HAREWOOD, from Ardwick-le-Street, for the Repeal or Alteration of the Sale of Beer Act.

SUPPRESSION OF DISTURBANCES (IRELAND).] Viscount *Melbourne* rose to move the third reading of the Suppression of Disturbances (Ireland) Bill. He observed, that the general grounds on which this Bill rested, the provisions which it contained, and the state of the part of the country to which it extended, and also its effect on those who had been subjected to its operation, had been so recently, so clearly, and so distinctly laid before their Lordships, that he did not conceive it to be necessary for him again to go over the ground at present. It would almost be sufficient for him merely to move, that it be read a third time. It had been a great misfortune, not to say a great calamity, which, as it was produced by the nature of the free Government under which they lived, they ought not, on the whole to deplore, although its effects had in many instances been most injurious, that the affairs of the Government were never, with respect to one part of the country, treated with common fairness in discussion. That part of the country had always been made the arena on which opposing political parties had fought their battles—the ground on which Administrations had been attacked, and that on which the opponents of the Administration had always found their strongest points of attack. This, was, in fact, a great misfortune, for whether considered with reference to the importance of the country, or with respect to the particular circumstances in which it was placed, no matter required to be considered with more calmness, seriousness, and moderation. He knew that in discussions upon this Bill, comparisons had been drawn between disturbances which at various times had taken place in this country, and those which for many years past had disturbed and disgraced the population of Ireland; and it had been stated, that the Government had not at any time taken measures in any respect of a similar degree of severity towards those who disturbed the peace in England. His answer was, that there was no analogy whatever between the two cases. The difference between them was, on the contrary, very great. It had been stated, that England would not endure, with regard to herself, the introduction of measures such as this which was now proposed for their Lordships' consideration as affecting Ireland. He did not know what the English people would not endure, if they were subjected to similar circumstances. He trusted that the case would never arise—a case to call on a British Minister or a British Parliament to consider or propose a measure with respect to England, similar to that which now lay on the Table of that House. But he would tell their Lordships one thing, that England would not endure—England would not endure for one month, or one fortnight, that state of things which would render a measure like this necessary. England would not endure those outrages by night, that terror by day, that system of intimidation so widely spread in many districts in Ireland in which disturbances prevailed—England would not endure it for the shortest possible time, without taking those measures that should be effectual for the remedy of such an evil. He called on their Lordships only to consider the difference with respect to the circumstances of England, and the nature of the crimes that prevailed in this country, and contrast them with those committed in Ireland, and it would be manifest to everybody, that no pretence existed for the comparison that had been made. He had a Return with respect to both countries, which would enable him to show the difference between them. In 1833, in England, the number of crimes committed amounted to 20,072. Of these, above 15,000 were offences of larceny—offences of robbery, committed without violence, and with secrecy. The whole number of offences committed without violence, was 17,131, leaving for those which had more or less of violence connected with the commission of them, the number of 2,941. This statement, undoubtedly, considering the great population of the country, though larger in amount than could be wished, was not one to fill the mind with any extraordinary degree of horror and alarm. Now, what was the state of Ireland during the same period? According to the Reports of the Inspectors of Police there, the number of outrages amounted to 9,943. In these Returns, no distinction had been made as to robberies committed with or without violence, but their whole amount was stated at 1,800 or 1,900. The list of outrages contained in it cases of riot, of rescue, of attacks upon houses, of illegal meetings, of appearing in arms, of burning and levelling dwellings, of maiming or destroying cattle. He asked their Lordships whether, pointing out this difference between the two countries was not sufficient to show that there was a necessity for a measure of this kind, in one of the two countries, while to the other it would be wholly inapplicable. He was sorry, however, to say, that the mere list of offences thus furnished would give but an inadequate account of the state of the country, but an inadequate idea of its condition could be formed from the details of murders and of horrors at which the blood ran cold. Those who had the task of reading the accounts of the smaller offences, would see in them a pervading character which was most fatal to the peace of society. No man could do any one act—could take a servant, could make the commonest disposition of his property, could settle a rate of wages, could give out a piece of work, without subjecting himself to annoyance, perhaps to injury, during the day, or to the nightly visit of ruffians, for the purpose of committing some violent outrage; and if any man resorted to the laws for protection, or if he assisted another in resorting to them, he was probably pronouncing the sentence of his own death, and in all probability would be murdered, perhaps in mid-day; and, as it too often happened, if not with the active assistance, at least, through the effect of intimidation, with the silent permission of all the surrounding populace. He said, therefore, that it was absolutely necessary that the Government of Ireland should be invested with the power which this Act was to give them. But he apprehended that the most difficult part of his task was to reconcile their Lordships to the repeal, or rather the omission, of clauses which, in their opinion, would give additional force to the Government. He had before stated, and he would distinctly state it again, that this omission was against his opinion, that his opinion was in favour of the clauses, in favour of those three first clauses which gave the Lord-lieutenant power to disperse meetings. The grounds on which he was of that opinion were these: the Constitution of this country was formed of the prerogatives of the Crown, the privileges of the Parliament, and the rights and liberties of the people. It was in the harmony, agreement, and consent of these various principles, and in keeping each of them within bounds, that the frame of the Government was formed, and the advantage of the country in general was secured. When either of these powers exceeded their due bounds, and abuses were committed, it became absolutely necessary to place limits to the force of that part of the Constitution. It was the experience of our history that such was the case, and many such limitations had taken place in consequence of the abuses thus created. In his opinion the right of petitioning had been abused and perverted in Ireland, where it was used for the purpose of overthrowing the Constitution of the country. He knew that it might be said, that it had been abused in England; that it had been sometimes carried to too great an extent here, he was willing to admit. Violent language had been sometimes used at public meetings here, and menacing conduct had even occasionally been exhibited. But here these things were transient—they were the spontaneous ebullitions of the moment—they soon passed away, and all again relapsed into peace. In Ireland, on the contrary, they were of certain regular recurrence, as regular as the monsoons and the rains of a tropical climate; and they bore the impression of being actuated by one mind, set on foot by one impulse—they were guided by one power and one spirit. On these grounds he had been prepared to submit that these clauses were called for by the necessity of the case, and that they ought to have been adopted by Parliament. At the same time he must say, that their importance ought not to be overrated, nor be imagined to possess a power or an efficiency which did not in fact belong to them. They were effectual for one purpose; but, in the first place, they never had been used to prevent public meetings for the fair discussion of great public topics; and in the second place other means had been found to check the abuses of speech at these meetings. These clauses could not prevent a body of men from acting in a settled manner, and with a definite purpose, as the Roman Catholic Association had done; and attempts had been made since, though not with the same success, to establish a society like that Association. He was aware of the effect which speeches produced upon a body of persons assembled together for the discussion of political matters in Ireland. He knew that the language of a letter which had been before quoted described speeches and agitation as cause and effect. He might admit that representation to be true, and yet deny that they were the primary cause of the outrages. He knew not exactly what that cause was. Whether it arose from a supposed adherence to ancient rights, whether the people believed that they really did suffer under unparalleled oppression and misgovernment, and that this produced that character of violence among them, he did not know; but he knew that a spirit of violence did exist, ever ready to burst forth into action. There were persons, too, who were ever ready to unite against the well-being of the community, and he believed that whatever might be the future fate of Ireland, whatever might hereafter happen to it, that spirit of combination would oppose the most serious obstacles and the strongest impediments to its growing wealth and prosperity. That these speeches, however clamorous, and whatever topics they might urge (and he admitted, that many of them were most unjustifiable), that they did very great mischief, and that they were totally unwarranted by the facts, he could not possibly deny. They represented Ireland as domineered over by a foreign party (a topic the most irritating that could be addressed to any people), that the whole country was suffering from the misconduct of the whole body of landlords, and that nothing remained for the people but utter ruin, abasement, and degradation. He knew how false these topics were; he could not deny that such topics so addressed and so received, must produce considerable effect; but that they were the primary cause of the outrage he had described, he must say he did not believe. Their Lordships would recollect, too, that the insertion of these clauses had not prevented speeches of this dangerous nature, from being addressed to the Irish people. Therefore, although he was ready to admit, that it would be better that the Government should be armed with the power which these clauses gave them, yet if it was said that such powers were absolutely necessary for the safety and peace of Ireland, and that that safety could not be preserved without, he could not believe the fact to be so. He was, therefore, ready, without these powers, to be responsible for the peace of Ireland. It had been found necessary to omit these three clauses which had formed a part of the Bill of last year. Their Lordships were aware of the reasons which had been urged for this omission, and none could refuse to acknowledge that if they could be dispensed with, the omission was demanded by justice. He was aware that Ministers had been much censured for agreeing to give up those parts of last year's Bill, and it had been said, that they had better have resigned than have abandoned them. In this opinion he did not concur. He thought it was the duty of the Government to adhere to his Majesty, and he concurred in the sentiment expressed by a noble Lord, that if ever bound not to desert the Monarch, the obligation was at that time more imperative than at any other period. For himself he did not say, that in accepting office he had made any sacrifices, for perhaps he would not gain any credit for such an assertion. Neither would he pretend any indisposition on his part to the acceptance of office, or affect to be insensible to the excitement it created, and the distinction which it conferred, but when acknowledging that, he felt that he might add, that he had also a full and perfect sense of the responsibility which it involved. Still, fully as he was impressed both with the distinction and the responsibility, he would adhere to the service of his Sovereign as long as that service was deemed useful, and when he found it could be dispensed with, he would resign the trust as willingly as he had accepted it. He was not aware that he had anything more to add. If the noble Duke was of opinion that the safety of the empire rendered necessary the retention of the clauses proposed to be abandoned in the Bill before them, he hoped he was prepared to justify that opinion by reasons; but if the noble Duke had any doubt upon the subject, he also hoped that Government would receive the benefit of that doubt.

The *Lord Chancellor*, before putting the question, said, that as the Amendment to be proposed by the noble Duke was a substantive measure, it should come before the House as a distinct Motion. The Bill should be now proposed for the third reading, and the noble Duke could afterwards make his Motion on the question that the Bill do pass.

The Earl of *Ripon* said, that what he wished to state to their Lordships would come better in, and be more applicable, at this stage of the proceeding, than if he reserved it for the Amendment intended to be proposed by the noble Duke. It was with great reluctance that he felt himself called upon to address their Lordships on this occasion, because he found himself compelled to accede to a measure, at the same time that he held in the utmost abhorrence the principle upon which it was founded. None amongst their Lordships were less disposed than he to trench upon liberty, or bind down the people with unnecessary restrictions. He concurred with his noble friend who presided over his Majesty's Government, in acknowledging that nothing but extreme necessity would sanction the measure. In acquiescing in the proposition before their Lordships, he was reluctantly obliged to confess that he felt very much pained at some circumstances connected with it. When his noble friend, who was lately at the head of the Government, had on a recent occasion called upon their Lordships to pass this Bill, he had stated in a full, clear, convincing, and satisfactory manner, the reasons by which he was compelled to resort to the necessity of adopting this measure, and there was no part of the Bill on the necessity of which he more forcibly dwelt than on the clauses now proposed to be omitted by the measure at present before their Lordships. Under these circumstances, he thought it imperative on their Lordships to consider why it was that—he would not say the same Government, but—a great portion of the same Government now called upon that House to consent to so material a change as to omit those clauses then deemed so indispensable. The only reason now given for this change was, that they were compelled to make it. There were many persons in the present Government for whom he entertained the most unfeigned esteem and respect, and he hoped that, whilst he had acted with them he had demeaned himself as a man of honour, and one not unworthy of their friendship; but however high might be the estimation in which he held them, he thought more satisfactory reasons should be assigned for this change than those which had been given. The noble Lord who had lately been at the head of his Majesty's Government had told them, that the clauses now proposed to be omitted were indispensable, and that without them the measure would not be effective. The noble Earl did not, on that occasion, say a single word which could lead their Lordships to suppose that there was any difference amongst the members of the Government upon this point. There could not, at that time, have been any such difference; for, if there had, the noble Earl would not have been justified in not having, at that time, stated it to their Lordships. The opinion which the noble Earl did state, he stated as that of the Government, and he confirmed this opinion by no less authority than that of the Lord-lieutenant of Ireland; a nobleman of whom he could not speak in terms sufficiently expressive of his regard. Despatches written by him were read to the House for the purpose of showing how necessary it was that these clauses should be retained; and how did it now happen that a noble Lord came down to that House with a proposition for doing them away? That part of the Bill which affected agitation was proposed to be omitted, notwithstanding the strong testimony borne by the despatches transmitted from the Lord-lieutenant of Ireland, and in which, with a most philosophic spirit of inquiry, after a close analysis of all the circumstances, and in a mode of reasoning close, conclusive, and convincing, the connexion of predial outrage with political agitation was clearly demonstrated. As he said before, if the Government was of opinion that it could go on without the power which these clauses conferred, he should be satisfied—leaving to them all the responsibility—to take the Bill in the shape in which they brought it before their Lordships; but it was very difficult to adopt the conclusion, that the Bill would answer the proposed purpose, without knowing what induced the Lord-lieutenant of Ireland to write the letter out of which the difference of opinion in the Cabinet arose. Under these circumstances, he thought it somewhat hard upon their Lordships to be called upon to consent to the change. The difference in the Cabinet, it appeared, had arisen because of a communication which had taken place without the sanction of one who, above all others, should have been consulted. And to whom had this unauthorized communication taken place? He would not name individuals; but the communication had been made to one who was ever found resisting the measures of the Government, and upon whom no reliance could be placed by the Government, and from whom every proceeding flowed which disturbed the tranquillity of Ireland; one whose hostility adopted every form of vituperation and abuse, and who had of late exhausted the whole vocabulary of even his vituperative language in his attacks on the Lord-lieutenant of Ireland. No Government couldby possibility stand, which proceeded in such a manner as this; and he would venture to predict, that if the present Government acted on such a system, it would not last long. But knowing, as he did, the spirit, the resolution, and the judgment of the noble Lord now at the head of the Government, he had some hope, that such practices would not be followed. Their Lordships should remember, that when, on a former occasion, this Bill, including the clauses now proposed to be thrown out, was brought before them for a second reading, those clauses were attacked in their Lordships' House, and were most elaborately defended by the Ministers. The communication which had been called an "indiscretion," but which, in other words, was a great blunder, took place, and the change in the Bill was the consequence. In a day or two after the circumstances became known, it was stated, that the right hon. Gentleman concerned in making the communication had resolved to resign; but it eventually turned out that, at the request of the Government, he consented to retain office. After some delay and some doubts, by the efforts of his noble friend, now First Lord of the Treasury, things were in some measure restored. That noble Lord accepted office; at his magic touch most of the severed members of the divided Cabinet again united, and affairs assumed their present position. But still it was not a thorough reunion. He who was the life and soul of the former Ministry was not now amongst them. This description of the noble Earl no one could gainsay. None would deny his exalted qualifications for the office which he held, or how eminently fitted he was to contend with the difficulties which he had to surmount; nor would even those who disapproved of his measures, hesitate to admit, that a life spent in the furtherance of reform furnished ample reason why he should have been the last person to be removed from the Ministry. But under the circumstances of the case, the noble Earl was justified in retiring; but it appeared to him that the noble Earl had fallen a sacrifice to the conduct of others. If, instead of the change which had taken place, the noble Earl had carried on the business of the Government to the close of the Session, he might then have retired from office under circumstances calculated to give not the slightest pain either to himself or his successor. These observations were connected with the Bill, for if the change had not taken place, the Bill would have passed in the shape in which it had been introduced. The Lord-lieutenant of Ireland was placed, by these proceedings, in a situation which, for difficulty, could not be surpassed, for, from the documents before their Lordships, it was to be assumed, as his deliberate opinion, that the clauses were necessary. The clauses were to be omitted, and who was the cause that those portions of the Bill, which had been pronounced so necessary, did not pass? Who but he, who was himself the embodied personification of the spirit of agitation —he who would not stop here—

> —tamen ultra pergere tendit.
> Actum, inquit, nihil est, ni Pœno milite portas
> Frangimus, et mediâ vexillum pono Suburrâ

To meet him those changes had been made: he had thundered at the gates—they lay prostrate at his feet, and he now reared his ill-omened standard over the citadel. To meet the views of this individual, the noble Lord at the head of the Irish Government had been placed in a most unpleasant position. After this view of the transactions which then took place, it was to be hoped, that the noble Lord now at the head of the Ministry would be allowed to exercise his own judgment, and act on his own discretion. As circumstances stood, and as the Government appeared to think these clauses unnecessary, he was bound to acquiesce in their opinion. No one would be more gratified than he if it were found that Ireland could be kept tranquil without them; but if stronger measures were found necessary, he hoped the noble Viscount would not hesitate to apply for them. If they were not applied for, the noble Viscount himself would be the next victim, and the last would be the Constitution of this country.

The Duke of *Wellington* said, that as the House seemed disposed to take the debate on the question for the third reading of this Bill, he should take that opportunity of addressing to their Lordships the observations which he felt it his duty to make, postponing the Motion which it was his intention to submit to their Lordships, until the proposition now before them was disposed of. The noble Viscount had told them, that he did not think the clauses omitted in the present Bill, but which were contained in the measure of last year, were absolutely necessary for the peace of Ireland, although he admitted, that he had voted for them, and that he had been desirous of seeing them pass. The noble Viscount, as well as the noble Earl (Earl Grey) had both said, that they would vote for nothing which they did not believe to be absolutely necessary.

Viscount *Melbourne*: I did not say, I would vote for nothing that I did not think absolutely necessary; though I might have said, that I would vote for nothing that I did not consider expedient.

The Duke of *Wellington*: Well, then, the noble and learned Lord on the Woolsack and the noble Earl had declared that they would vote for nothing which they did not consider absolutely necessary. But he would go farther than the opinions of the noble Viscount: he would go to the opinions expressed in two Acts of Parliament, the one passed in 1828, and the other passed during the last year. Upon both those occasions it was stated, in the most positive manner in the preambles of those Acts, that political agitation was the particular object which was intended to be put down by them; that it was alike dangerous to the public tranquillity, and inconsistent with the safety and existence of all regular Governments. Those clauses had been fully justified by the Ministers of the Crown, and passed both Houses of Parliament with large majorities; and if they were not absolutely necessary for the peace and security of person and property in Ireland, would that have been the case? But see what the Lord-lieutenant said, see how he described the state of disturbance which existed in Ireland, and to what cause he traced the evils complained of in that country! He treated agitation and outrage as cause and effect, and so, in short, did every Magistrate in communication with the Irish Government. But this was not all. The noble Earl and the noble and learned Lord on the Woolsack had both descanted, on a former occasion, on the necessity of passing those clauses, saying that, if the lower orders were restrained by the Bill, it was only an act of common justice that some restriction should be placed on the conduct of other parties. Moreover the noble and learned Lord said, that it would be unfair to press the loins of those who disturbed the peace of the country, without, at the same time, pressing the fingers of those by whom the peace of the city was disturbed, and that it would be inconsistent or unjust to frame clauses for preventing the lower orders from being out at night—for passing, as he called it, "the sunset" part of the Bill—without also framing clauses for the restraint of those who agitated the city. Under these circumstances it was, that the noble Viscount now told them that those clauses were not necessary; but with such evidence before them was it possible that their Lordships could place any reliance in such a statement? The noble Viscount had contrasted the state of this country with that of Ireland, and he had said, most truly, that the people of England would not tamely submit to a measure like this. The fact was, that the people of this country would not submit to such a state of things as now existed in Ireland, and he would defy any one to point out a place in any country in the world in which a state of insurrection, similar to that which was exhibited in that country at the present moment, was to be witnessed, not excepting even the wilds of Asia, Africa, or America. They talked of the liberty of the people, but, for his part, he could not understand that to be liberty which afforded security for neither life nor property. The security of life and property was the first consideration in every civilized state, but for the last three years he would defy any one to say, that either life or property was secure in Ireland. The noble and learned Lord had frequently told them that the duties of allegiance consisted of obedience to the laws on the one hand, and protection for the subject on the other. This was no doubt the fact; but then came the question, why was the Crown to be prevented from giving protection to the loyal portion of the people of Ireland? The Act of last year proved most effectual in the suppression of disturbances, and why that Act was not now to be continued in its integrity he was at a loss to understand. But the noble Viscount told them that the part of the Bill relating to proclamations for putting down unlawful assemblies was not necessary for the preservation of the peace, notwithstanding the Lord-lieutenant declared that it was. The noble Viscount said, that the Proclamation clauses were ineffectual; but was that the case, or how was the assertion borne out by the fact? They had it from the Lord-lieutenant, that these clauses had effectually prevented the permanence of such assemblies—had even put down adjourned meetings; nay more, the Proclamation clauses contained in the Acts of the years 1828 and 1829, it was well known, had not only been effectual, but had successfully frustrated the attempts which were made to get up unlawful meetings. He would go further and say, that it would be utterly impossible to prevent unlawful assemblies by the Bill now on their Lordships' Table, unless those clauses were embodied in it. Without them the Lord-lieutenant could not proclaim a meeting appointed to take place in the city of Dublin as unlawful; and as the three first clauses of the Act of last year applied altogether to meetings in the city of Dublin, they ought, he submitted, to be inserted in the present Bill. The only reason that ought to have led to the omission of the clauses was, that they could not pass the Act through another place if they retained them. He would say, that there never was a Government which possessed the confidence of the other House in the same degree as the Government of the noble Earl lately at the head of his Majesty's Councils; and, notwithstanding the resignation of the noble Earl, and notwithstanding the resignations of some of his colleagues about a fortnight previously, he would venture to say, that the Government which existed at the present moment, possessed the confidence of the other House of Parliament in the same degree that the noble Earl formerly possessed it when he had the assistance of the noble Earl (Earl Ripon) on the cross bench, and his other colleagues. It had been the misfortune of the Government of Ireland to submit to the dictation of the person to whom the noble Earl on the cross-bench had alluded; and it was to that influence that the Government had given way on this occasion, and had left out these important enactments. He would ask, whether the noble Viscount (Viscount Melbourne) really supposed that he could not carry this measure unaltered through the House of Commons without the assistance of this person? If the noble Viscount entertained this opinion, he was perfectly right in bringing forward the measure in its present shape. His own opinion, with respect to the duty of the noble Viscount and his colleagues had been alluded to; and he therefore must again say, that it was his own opinion, that the noble Viscount and his colleagues were bound to continue to serve his Majesty, and make any sacrifice consistent with their own honour and characters, and consistent with the interests of the country, as long as his Majesty should require their services. It appeared to him, that if the noble Viscount had stated in his place the opinions he had formerly expressed, he could have carried that Bill through the other House. If the noble Viscount had declared, that he believed the measure necessary for the public service, and the provisions of which the noble Viscount even now admitted to be desirable, he thought that the noble Viscount, by so doing, would have afforded a greater security for the maintenance of the peace of Ireland, than he could by any half measures. He had heard it stated, and he confessed with some pain, that a noble relative of his, the Lord-lieutenant of Ireland, had changed his mind on the subject of those clauses; but he had seen no evidence whatever of any change of purpose on the part of his noble relative, or any change of opinion on this question; and that which made him positively certain in saying, that there could be no change of opinion, and that the alleged change of opinion was mere pretence, was the circumstance that the noble Earl, late at the head of the Government, spoke of the opinion of the Lord-lieutenant as favourble to the clauses in the first week in July, he believed on the 4th; and when the supposed change of opinion on the part of the Lord-lieutenant was stated to have taken place so far back as the 18th of June. When the noble Earl introduced the subject in the first days of July, he must have been aware had any change of opinion taken place in the mind of the Lord-lieutenant, and it must have been strange if he had not mentioned this to their Lordships. The noble Earl also, in reply to some observations on this subject, said, that the only authority for the assertion was mere matter of correspondence in private letters, and that the public had nothing to do with the letters; and he also quoted the opinion of the Lord-lieutenant as authorising the measure that had been introduced by the Government. He was satisfied, therefore, that there was no ground to authorise the assertion of a change of opinion on the part of the Lord-lieutenant. He should vote for the third reading of the Bill as it at present stood, and he should propose an Amendment which would prevent the exclusion of the three clauses of the Bill of last year; but he should not trouble their Lordships to divide, as he only wished that his opinion should be entered on the Journals of the House. He had no intention to press the adoption of his opinion on the Government, or to force upon them powers which they did not think necessary. Under these circumstances all he should have to do would be to move his Amendment, and allow it to be negatived.

The Earl of *Glengall* expressed his regret that the clauses relative to public meetings had been left out of this Bill. The Government had for some time been making concessions with a view of promoting the peace of Ireland, but they had hitherto been unsuccessful in their expectations. The reason why concession had hitherto failed was, that the Government had not consulted the Magistrates or Gentry in their proceedings, and appeared to have no confidence in them. They, therefore, very naturally did not trust the Government. This mutual want of confidence between the Magistracy and the Government had been productive of the greatest evils. When they passed the Coercion Bill last year it was hoped by the gentry of Ireland that steps would be taken to put down agitation, that the Government would not continue to yield to the demands of the agitators, but that steps would be taken to secure the peace of Ireland. The Government had tried to procure security to property, and tranquillity to Ireland by concession, but had altogether failed. When they passed the Coercion Bill he had hoped that they intended to tell the agitators in that country that they would yield no more to them—that they would not make further concessions to them until they had shown by their conduct that they deserved them. By excluding the clauses preventing political agitation, they threw power into the hands of those who would make the worst possible use of it, and who would pursue a course most detrimental to the interests of this country. If they passed the Bill in its present shape, and allowed public meetings to be held, a month would not pass over without having agitation against tithes throughout the greater part of Ireland. The state of Ireland was most alarming, and he feared that it would become even worse. As an illustration of the present feeling the noble Lord mentioned that lists were given about of those whose ancestors' properties had been forfeited by Cromwell and after the battle of the Boyne, and the names of the present holders of the estates were given as usurpers.

The Earl of *Harewood* was satisfied that the peace of Ireland never could be secured so long as such practices obtained as had lately taken place in relation to the Government of that country, and to which so much allusion had that night been made. When such scenes took place, could the people look with any confidence to the Government? The circumstance he had alluded to excited much speculation, but it appeared to him that the whole thing hinged on the private communications that had been made to the Lord-lieutenant of Ireland, with a view to extort from him an opinion which had been most improperly acted on. If the production of the communications in question in that House were not altogether regular, still there were other means of making the matter public which could have been acted upon, if the opinions were honestly expressed, and which would have afforded satisfaction. The country then would have been able to form a just opinion on the subject. The noble Earl, lately at the head of the Government, had retired solely to allow, apparently, the adoption of measures which appeared satisfactory to the great agitator of Ireland. In the first place the Government had called upon their Lordships to give an opinion on this subject, and to declare that a certain measure was necessary; and, instead of following it up, they had abandoned that measure. It appeared that an individual—and he meant nothing disrespectful by that term—had made a communication in a certain quarter, and which had been called a great indiscretion. This had been so designated because the person had made a communication which should not have been made, and which had not been hastily or thoughtlessly made, but that it was made with the sanction of a person, which made it of much greater importance. The strongest circumstance of all, however, connected with this proceeding was, that it had been kept back from the knowledge of the head of the Government that any such communication had been made. Apart from the Bill he felt the greatest anxiety that such conduct should not be repeated. He said this not only for the sake of the people of Ireland or the people of this country, but for their Lordships' sake; for he could not help recollecting that their proceedings were looked upon with anxiety by all Europe, and such conduct as he had alluded to only tended to lower the character of this country in the estimation of every civilized people. It ought not to be forgotten that the communication in question had been made to a person who had been twice denounced in the King's Speech—to a person whose conduct it had been stated was the main cause that rendered it necessary to keep such a large army in Ireland. Under these circumstances need he express his surprise that the Government should condescend to enter into secret negotiations with him? There was also another reason which should have operated upon them. The person in question had repeatedly declared that nothing would satisfy him but the Repeal of the Union. Now the Government had declared, and had called upon both Houses to sanction their declaration, that they would stand by the Union even to the shedding of blood. He had no wish to speak harshly of the Government; but he would ask what might it be supposed was the opinion of the Government on the subject after what had been reported to have taken place? He had differed almost constantly on political subjects with the noble Earl lately at the head of the Government; but he would at once declare that every feeling of political hostility towards that noble Earl was at an end when he saw the unbecoming manner in which he had been sacrificed, and on such an occasion. He should support the third reading of the Bill, and he trusted the Government would not have reason to regret having left out the clauses to which allusion had been made.

The Marquess of *Clanricarde* begged their Lordships to recollect that, on a former occasion, the noble Earl, then at the head of the Government, had stated that the Lord-lieutenant of Ireland had communicated to the noble Earl that the Marquess Wellesley could carry on the Government of Ireland without the power of putting down political agitation, although, at the same time, he thought such power desirable, and the noble Viscount had come forward to make a similar declaration to that made by the noble Earl. He was glad, for his part, to hear the noble Duke say, that the present Ministers had the confidence of Parliament, because he thought that they deserved such confidence; but he did not think that they would continue to possess that confidence if they called for powers which were now declared by the Lord-lieutenant of Ireland not to be absolutely necessary for the Government of Ireland. It must be obvious to any man, that the feelings of a people would be excited if they were constantly told that they were ill-governed and oppressed; and in a country like Ireland, where the people were in such distress, and so long had just grounds of complaint, such language was peculiarly calculated to rouse the feelings of the people. When, however, he admitted this, and regretted the evils of political agitation, he denied that that was the main cause of the outrages that were committed in Ireland. Agitation might have much power in rousing the feelings; but he thought that it could not be contended that it was the main cause of the disturbances. Indeed he thought that the noble Duke must admit this. Were agrarian outrages new in Ireland? Need he refer to what passed twenty years before the rebellion; and again, twenty-eight years ago, when the noble Duke was Secretary for Ireland, and when it was deemed necessary to pass such a law as that on the Table to put down outrages? He repeated then, that although political agitation at the present moment might have a powerful effect on the mind of the people, he distinctly denied that it was the cause of the predial agitation which prevailed. The noble Duke said, that security was the chief object of Government, and that that was to be consulted before liberty. Undoubtedly security both of person and property was of the highest importance, but were not the people also entitled to have a Government which they could place confidence in? He concurred entirely in the provisions of the Bill. There was sufficient ground for passing a measure to put down outrages, but it was unnecessary to adopt the clauses relating to political agitation. He had objected to that part of the former Bill, and his noble friend, then at the head of the Government, knew the opinion he entertained on the subject. He gave his sanction to the present Bill with greater willingness because he had perfect confidence in the noble Marquess to whom the carrying it into operation would be intrusted. The whole of that illustrious individual's conduct and life afforded a guarantee that the powers given in the Bill would not be abused, but that they would be exercised with impartiality and moderation. He trusted, however, that next year they would be able to restore the Administration of the ordinary law in Ireland, and that it would be no longer necessary to infringe on the liberties of the people. He was satisfied that they would never gain security to life or property in Ireland by Coercion Bills alone, but that it was only by sanctioning such reasonable and just measures as he trusted shortly to see before the House that the permanent peace of that country could be secured.

The Earl of *Haddington* did not think of contending for the proposition, that to coercive measures alone they ought to look for security. He was well aware that there was much to occupy the Parliament and the Government of this country, perhaps for years to come, in devising measures in defiance of all the clamour that might be raised, for the improvement of Ireland, for her peace and for her tranquillity; but if their Lordships determined on introducing a coercive measure, if they were persuaded that it was necessary in the present state of the country, the question was, whether that coercive measure should be efficient, whether it should go to the cause, or deal only with the effect, which was the subject more immediately under the consideration of their Lordships. It would be presumptious in him to doubt whether the noble Marquess was better acquainted with the condition of his own country, than he was; but he thought he had pretty good authority on his side, when he said that agitation and predial disturbances were intimately connected as cause and effect. He had the opinion of the Lord-lieutenant of Ireland to that effect; he had the decided and strong opinion of the late first Lord of the Treasury to that effect; he had the opinion of his noble and learned friend on the Woolsack to that effect; and he believed that he should have had the united opinion of the whole Government to that effect, but for the disclosure of that private correspondence and juggling which had taken place, from which it appeared that confidence had been betrayed, and which, for the sake of those concerned, he wished had never been made known. The very reason of the thing would show that it must be so. They had the predial outrages in the one case; in the other they had the agitators touching on the string which they knew would be responded to by the feelings of the people of Ireland, and creating a question, which, but for them, would never have been created. Yet, what did this Bill do? If they passed it, they would press with the weight of their whole loins upon the unfortunate, ignorant, deluded peasant out of the House an hour after sunset, inflamed by the declarations of interested agitators, who went abroad in the night to scatter discord and ruin around them. Upon the poor misguided peasantry they pressed more than was necessary; but in the case of the agitator they pressed not at all; or if they did, they pressed upon him with their little finger only. Thus they were content to deal with the effect, but the cause they left unchecked. Suppose he had no authority for what he was urging, he would ask their Lordships, was there not a probability in the nature of things that he was right? He had listened with great satisfaction to the speech of the noble Earl who lately held the office of Privy Seal. In detailing what had taken place on a recent occasion, it appeared to him that his noble friend had stopped rather short. He would not repeat what his noble friend had stated, because he would not weaken the effect of his noble friend's remarks; but he would come at once to the point. His noble friend, to the best of his recollection, finished his statement by making some remarks on the indiscretion or blunders of his right hon. friend, the Chief Secretary for Ireland. Now, he was certainly one of those who thought that the right hon. Gentleman had been very hardly used. It might be that his right hon. friend had been guilty—who was there that might not be?—of some common indiscretion. His right hon. friend himself admitted, that he had acted with indiscretion; and he could not deny that statement of his right hon. friend; but at the same time it was worthy of remark, that for some days his right hon. friend bore the whole blame of that indiscretion. The subject was brought under discussion, but there was not one word said by any human being to show that any other person had been guilty of rashness, indiscretion, insubordination, or whatever they were pleased to call it, but his right hon. friend, the Secretary for Ireland. At last it came out, that there was another person—a Cabinet Minister—a noble Lord of unimpeached, and unimpeachable character, who had so far participated in the indiscretion, that he had authorized the communication without ever consulting the First Lord of the Treasury on the subject; which communication that noble Earl, standing in his place in this House, said was made to a man with whom he authorized no communications, because in that man he did not think that confidence could be placed. There was some one, therefore, to share with his right hon. friend, the Secretary for Ireland, the blame of what had taken place. If he might be allowed to refer to the ordinary channels of communication, he would say, that he had once seen a statement which he had never heard contradicted. That statement was made by a noble Lord, in another place, who was nearly connected with the noble Earl, late at the head of his Majesty's Government, and who, having the honour and the interest of his noble relative near to his heart, put a question to his right hon. friend, the Secretary for Ireland, and asked him, whether any other persons had communicated, or had followed him in communicating, not with the Arch Agitator of Ireland, but with the Lord-lieutenant of Ireland; for he had not forgotten, that his right hon. friend was dealing not only with the hon. and learned member for Dublin, but with the Lord-lieutenant of Ireland also. His right hon. friend replied (very properly, no doubt: probably if he had been in the same situation, he should have given a similar answer), in such a manner, that his answer amounted simply to a refusal to answer. Why, if his right hon. friend had known that no other individuals had communicated with the Lord-lieutenant of Ireland, would he not at once have given a reply to that effect? Would he not have said, "I, and I only, communicated with the head of the Irish Government." He had not the slightest suspicion that the noble Lord, who was Home Secretary, was a party to such a communication. His right hon. friend, however, simply replied, "That he saw no reason why, having been guilty of one indiscretion, he should be led into the commission of another." Then, till that statement was contradicted, he (the Earl of Haddington) concluded he had a right to say, that there were other communicators. Who they were, he knew not; probably he never should know; and now that the mischief was done, he did not much care to know. But he would say, that his right hon. friend had been very ill-treated indeed; and that he was sure there must be more in this transaction than met the eye. Suppose his right hon. friend had gone unauthorized to make that communication—suppose he, holding a subordinate office, by going first to the Lord-lieutenant of Ireland, and then to the Arch Agitator, had caused all those disturbances which had ended in driving out of the Government the noble Earl who was its Chief—in the high manliness and integrity of whose character it was impossible not to have confidence, and who, as a clog to the wheel of the Movement, was more especially entitled to that confidence—suppose, he repeated, such had been the interference by a subordinate Officer of the Crown, could it be argued for an instant, that he would be at this moment Secretary for Ireland? He would say, rather, that there had been much that they did not know of, and the effect of which, as had been so ably described by his noble friend, was likely to produce an unfavourable impression in the country as to the character of public men, and not looking like a very auspicious beginning of this new Administration. He called it a new Administration; he was aware, however, that his noble friend at the head of the Government stated the other night, that it was not a new Administration, and that it was meant to conduct the Government on the same principles as were acted on while the noble Earl was in office. He had been a good deal struck with the positive declaration of the noble Earl, that this was not a new Ministry. That it was so, was surely shown by this fact, that the Prime Minister had retired, and he was somebody. He was a great man in this country; and he was still more in his situation at the head of the Government. When the noble Earl resigned, they were told, that the whole Government was dissolved—that it was at an end. But whether it were in the hands of the noble Lord now at the head of the Government, or whether it were in other hands, he did not know; but he must admit that they had been informed, that though the Government was dissolved, it was not dissolved. However, it soon revived again; here it was, and not a new Government, but an old Government. The very first measure introduced by this new-old Government was different from the measure that had been introduced by the former Government. They were unanimous, as far as he knew, on that measure, and they now unanimously recommended a different measure. There was this extraordinary fact, however, that they did not approve of the measure they recommended; they all expressed their regret, that they had to bring it forward. His noble friend had told their Lordships, that it would have been impossible for them to carry the first Bill through the House of Commons. He had had great respect for the House of Commons ever since it had been Reformed, though he preferred it as it was before, and nothing should induce him to speak of that House but with respect. Still he would say, that he could not believe the Representatives of the people, coming fresh from the people, would think so little of the poor peasant, as to consign him to the curfew, while he who kept the country in a state of continued disturbance, while the Agitator, who was the cause of all the mischief, was allowed to escape. He would say, that it was unjust; he would say, that it was cruel. He regretted that they should be called on to pass so one-sided a measure, bearing as it did on the ignorant, unfortunate, and perhaps the oppressed, but undoubtedly the poor; and letting go scot free those who agitated the community, while they served their own purposes. He did not believe the difficulty existed in the House of Commons; it was to be found somewhere else—in the Government itself. Here, however, they got into a labyrinth. He confessed he did not understand one half that had passed on this occasion. That the Government was composed of individuals who entertained discordant opinions on this measure, was true. That those who were most attached, in these days of popularity-hunting, to what were commonly called popular principles, had prevailed, there could be no doubt. He felt sure that one at least of the noble Lords opposite would rather have had the Bill with the clauses which had been omitted, than without them. But the Bill was to pass, *malgre* the opinions of those who thought it imperfect. His noble friend said, that difficulties would have been experienced in the House of Commons, had this not new, but old Government, attempted to carry the first Bill through that House; but how could that be, if this were the new-old Government, which had sufficient influence to cause its opinions to prevail in the House of Commons? If his noble friend should pursue a course really calculated to give peace to Ireland; and if he would, at the same time withstand those efforts to accomplish vague and indefinite changes, which now unfortunately prevailed in this country, he would promise—though he knew it was of little use—his decided support; but he was afraid, considering the manner in which his noble friend's Government had commenced its operations, that it was not likely to lead to any results so happy as those to which he had adverted. A new Government had been formed, and nothing had yet occurred in that House to prevent its having fair play. Should he prove a false prophet, no man would rejoice more sincerely at it than he should.

The Earl of *Wicklow* said, that he for one felt that he was placed in a curious position on this occasion. He was called upon to vote for a measure of great severity, without having any documents laid before the House to show that such a measure was necessary, and without any explanation from any Member of the Cabinet to justify their Lordships in passing this particular measure. It was true that the noble Viscount, at the head of his Majesty's Government, had made some observations, but they were in favour of a Bill which had been read a second time in that House, and which now lay on their Lordships' Table for a third reading. The noble Viscount's speech was, in fact, in favour of Lord Grey's Bill, and not in favour of the present Bill; their Lordships were, therefore, now called upon to pass this Bill, without having any evidence before them that such a particular Bill was necessary. He was glad that the sense of the House was not to be taken upon this measure on this occasion. He was glad that by passing the Bill, without question, the whole responsibility of the case would be thrown upon the Government. No consideration on earth would ever induce him to vote for such a Bill as this. If it were to go to a vote, which he was glad to find would not be the case, he should certainly retire without voting at all. He regarded this measure as the most unjust and tyrannical that had ever been passed by the Legislature of a free people. The Bill of last Session was a Bill of justice and mercy compared with this measure. He could not help here referring to the language which at different periods had been used in regard to this measure by the noble and learned Lord on the Woolsack. That noble and learned Lord, when he had been taunted a few nights ago with having made use of arguments so contrary to his present opinion on the subject—the noble Lord's answer was, that that was an improper time to discuss the point, and that they should wait until this measure came before them, when he would give a full explanation of his sentiments upon it. They were now arrived at the third reading of the Bill, and there the noble and learned Lord sat reposing on the Woolsack, and the other noble Lords on the other side of the House sat in silence, waiting to hear what would be said, without saying any thing themselves on the subject. He would just refer to the language of the noble and learned Lord when the former Bill was under the consideration of the House. The following were extracts from the speech of the noble and learned Lord on the Woolsack in that House, on the 4th of July, in reply to the noble Earl's (Earl of Durham's) objections to the clauses that related to political meetings:—"Under the circumstances of the case, he could not, however, help feeling that it was not fit, or fair, or consistent, to draw that line of distinction which his noble friend had drawn between the infraction of public rights connected with public meetings assembled to discuss public matters, and what his noble friend seemed to think of less importance—namely, the domestic rights of subjects, which were affected by the other part of the Bill, though not touched upon by that against which his noble friend had expressed his opposition. These were the grounds, the noble and learned Lord afterwards said, which prevented him from drawing that line of distinction which his noble friend had pointed out. If he suspended one species of right (and he hoped and believed that he consented to that suspension for the last time), he felt that it was equally necessary to suspend the other. Yes, he deemed it necessary to apply a legislative enactment to the exciting cause as well as to the mischief which that excitement produced."* He should like to hear from the noble and learned Lord in what way this Bill applied a remedy to the exciting cause. The noble and learned Lord formerly considered the clauses relating to public meetings of such importance that he would not allow them to be withdrawn. How could the noble and learned Lord now justify his change of opinion? The noble and learned Lord, no doubt, possessed a great deal of ingenuity, but he thought that it would puzzle even his ingenuity to find out an excuse for such a sudden, and such an extraordinary change of opinion. Two reasons had been assigned for the alterations that had been made in this Bill. The one was a public one—the other was of a private and mysterious nature. With regard to the public reason, it had been stated by the noble and learned Lord on a former night, that the House of Commons would never pass this Bill with those clauses, having ascertained that the noble Marquess, at the head of the Government of Ireland, had expressed his opinion that he could dispense with them. But he would positively deny, that it was a fact, that the House of Commons would not pass the Bill with those clauses. He might deny it on the ground that the present House of Commons would support the Government, no matter how it was changed. In fact, it did so, and there was, somehow or other, some one slipping into the Government every day. It was but to-day he saw that a noble friend of his opposite had become one of the Ministry, and he was happy to see his noble friend's accession to office. It was on the 3rd of July that the extraordinary, he would say the disgraceful, proceeding took place in the House of Commons, when one hon. Gentleman said, "Upon my honour it is so," and another hon. Gentleman replied, "I declare solemnly, and upon my honour, that it is not so." It was upon that occasion, that it was disclosed that the Lord-lieutenant of Ireland had admitted, that he could dispense with those clauses; yet a few days after, in the House of Commons, the Ministers had a majority of 174 to ninety-two in reference to those very clauses. That was a proof that the measure, with those clauses, would be carried through the House of Commons. It was, therefore, nothing but trifling with that House, and with the country, to tell them that the House of Commons would not pass the Bill with those clauses. He next came to the private reason alleged for making those alterations in the Bill. That reason was said to be contained in a private letter from the Marquess Wellesley, and it was said, that it justified the Government in making the alterations that had been made in the Bill. That letter should have been produced in justice to the noble Marquess himself, and the correspondence also which had produced that letter from the noble Marquess should have been produced. What could be the reason that the letter of the noble Marquess was concealed? It was the impression on the minds of many that the Government were afraid to let that correspondence be seen; that they were not only afraid of the treachery which would be exposed on the part of some members of the Government, but that they were afraid to let the more honourable and virtuous members of the Cabinet know the real reason of such a course of proceeding. The noble Marquess opposite had said, on a former evening, that if any member of the Cabinet had written such a letter, he would not remain a colleague in the Cabinet with him.

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* Hansard (third series) Vol. xxiv. p. 1122-1123.

The Marquess of *Lansdown* said, that his words were, that if any member of the Cabinet had betrayed his noble friend (Earl Grey), he would not remain a colleague with him.

The Earl of *Wicklow* would not, of course, say, that the noble Earl, late at the head of the Government, had said, that he had been betrayed by any member of the Cabinet, but he would maintain that the effect of the letter in question had been to betray the noble Earl. The noble Earl, indeed, had himself afterwards said, that he had not been betrayed. At all events he had been ill used. If he did not feel so, why did he not remain a member of the Cabinet? Why did the right hon. Secretary for Ireland, when he was questioned in the House of Commons by the noble Earl's relative on the subject, decline to answer the question? Why did he say, that he would not commit another indiscretion in replying to it? Was it not plain that the right hon. Secretary was not the sole party to the correspondence that had taken place with the Lord-lieutenant of Ireland? Was it not plain that though the hand might be the hand of Esau, the voice was still the voice of Jacob? The conclusion at which the country and the Press had arrived—a conclusion in which he (the Earl of Wicklow) concurred—was, that that correspondence had been carried on by a member of the Cabinet. If the letter in question had not been written by a member of the Cabinet, there was no doubt that it had been suggested by one. He was sure, therefore, that the noble Marquess opposite would not stand upon mere words, but that if he found that a member of the Cabinet had been a party to such a correspondence, he would not continue a colleague with him. So anxious was he to hear what the noble and learned Lord and other noble Lords had to say in their vindication, that he would not trouble their Lordships further on this occasion.

The Bishop of *Derry* said: My Lords, it is with extreme reluctance that I offer any observations to your Lordships' consideration; but as the subject under discussion is one materially affecting my own country, I trust I shall receive your Lordships' indulgence, and be permitted to make a very few observations upon it. My Lords, I do certainly regret the withdrawing of the clauses which have been alluded to, because it may possibly have the effect of casting odium upon the noble Earl, late at the head of his Majesty's Government, of being desirous of adopting measures of great severity; but, my Lords, to any insinuation of that description, the noble Lord's whole political life furnishes the most unequivocal contradiction. I do, in my conscience, believe that no statesman ever held in greater veneration the principles of the Constitution, and that no man ever felt greater pain from being compelled to sanction a departure from those principles. My Lords, the noble Earl does not require any eulogium from so humble an individual as I am. His public services cannot be forgotten; they will live in the memory of a grateful country, long after his consignment to the tomb. My Lords, I do confess that, upon principles of humanity also, I regret the withdrawal of those clauses from the Bill, because that appears to me calculated to promote the mischief caused by public meetings, where the passions of an easily-excited population are constantly influenced, and where the unfortunate peasantry are encouraged to the perpetration of acts which expose them to the vengeance of the law. I must, however, my Lords, acknowledge that I derive much consolation from reflecting upon the assurance recently given to your Lordships, by a noble Marquess connected with his Majesty's Government, namely, that if the experiment (this I believe was the term used by the noble Marquess), should fail to ensure the tranquillity of Ireland, he should consider it his duty to advise his Majesty immediately to assemble Parliament, with a view of arming his Ministers with such powers as might in that case be required; and, my Lords, as far as my recollection serves me, the noble Viscount at the head of the Government, in whom I have always reposed the utmost confidence, coincided in opinion upon this subject with the noble Marquess. My Lords, you can scarcely conceive the deplorable state of Ireland. One of the Irish newspapers which reached me this very morning contains an account of two atrocious murders—in one case, the unfortunate person had the temerity to pay his rent—in the other, the crime was, having the audacity to seek for a payment due to him by legal proceedings. My Lords, I do not feel it to be any part of my duty to enter into a discussion upon the subject of the private correspondence to which your Lordships' attention has been frequently directed, nor have I any disposition to do so. I shall not, therefore, trespass further upon your Lordships' time than to express my gratitude for the attention by which I have been honoured.

The Marquess of *Lansdown* would only trouble their Lordships with a few observations on this occasion. The noble Earl opposite had grossly mistaken what he had said on a former evening. The right reverend Prelate, however, was perfectly correct in what he had attributed to him. He had said on a former night, that if this experiment should fail, he entirely concurred with his noble friend at the head of the Government, that it would be their duty at once to call Parliament together for the purpose of repairing the error which they had committed, and of arming the Government with additional powers. With regard to what the noble Earl had attributed to him, he would repeat what he had said on that occasion. He was speaking at the time of the false assumption, that his noble friend late at the head of the Government had said, that he had been betrayed by a member of the Cabinet, and he said, that if such had really been the case, which was not the fact, he would not continue in the Cabinet with such a colleague. His noble friend (Earl Grey) on a subsequent evening had distinctly disclaimed, that he had made any such statement as that he had been betrayed by a member of the Cabinet. He lamented—as who did not lament?—that a certain correspondence had taken place with the Lord-lieutenant of Ireland; but his noble friend also added, that he was sure that nothing had been done which had not been well intended, both towards him and the public service. He would add nothing to what had been said, and so truly said, by his noble friend (the Earl of Ripon) as to the merits and services of his noble friend lately at the head of the Government. He would only say this—that his noble friend would be the last man, finding himself compelled by circumstances, for which he was not to blame, to retire from the Government, to spare any effort of his towards promoting the public service, and towards promoting the maintenance of such a Government as might be best calculated to meet the exigencies of the times. It was because his noble friend (Earl Grey) had given the sanction of his great name to the formation of the present Government, that so humble an individual as he (the Marquess of Lansdown) formed a part of it, and should continue to belong to it. He felt authorized to say, that whatever opinion his noble friend might have formed as to the expediency or necessity of those clauses, he would, if he had seen the impossibility of carrying them through the other House of Parliament (which, at the time he first proposed the measure, he could have no means of ascertaining), be the first to say that it would not be desirable to carry them by a bare majority in the House of Commons. The present was an experimental measure. It was easy for noble Lords on the other side of the House to say, that those clauses could have been carried in the House of Commons without difficulty. Would they try to carry them? Let them only look to the progress of the present Bill through the House of Commons. How did it happen, if it were so easy to replace those clauses, that no member there had made a motion similar to that made to-night by the noble Duke? Was it not obvious, that, under the circumstances of the case, it would be impossible to carry such a motion in the House of Commons? He trusted that they would not see agitation again prevail in Ireland; but if it did, the Government was pledged to call upon Parliament at once for additional powers to put it down.

The Earl of *Aberdeen* should not have addressed the House upon the present occasion, had it not been for some observations which had fallen from the noble Marquess. The noble Marquess had told them, that the only proper object for the consideration of their Lordships at present was this—whether this Bill was suitable or not? He agreed with the noble Marquess, that it would have been so, had the Bill before the House been the same Bill which was introduced by the noble Earl late at the head of his Majesty's Government. In that case, whatever might have been said respecting the private communications received from the noble Marquess, the Lord-lieutenant of Ireland, no one would have adverted to his change of opinion, if the measure as proposed by his Majesty's Government had remained the same. But, the only reason given for the change which had been made in the Bill, was the change which had taken place in the opinions of the noble Marquess, which change was only known by a private letter. He protested against the practice of justifying public measures by the private letters of high functionaries, as it must be prejudicial to the public service, and detrimental to the Constitution itself. If it were a private letter on which this change was effected, he would be one of the last parties to violate its secrecy; but then he insisted, that a Minister ought not to rely on an opinion so expressed to justify a measure of such high importance as the present. The noble Viscount, by relying on such a source of information, deprived their Lordships of every security they could have in the declarations of Government. The noble Viscount had said, that he would preserve by every means in his power the general peace of Europe. But the noble Earl, late at the head of the Government, when he attempted to account for the change in the noble Marquess's opinion, said, that that change was not founded on any change in the position of Ireland, but on a consideration of the position of Government in the House of Commons. Now, there were occasions on which the House of Commons might be inclined to pursue a policy towards certain foreign Powers of which the noble Earl might not be altogether inclined to approve. Some one might suggest to our Minister at any particular Court, that it would be acceptable to the House to have the situation of the country with regard to that power a little changed—that a little more insult to that power would be popular in the House of Commons, and that it would make the Government popular if such insult were inflicted. He might be told, that such a suggestion was improbable: but it was not more improbable than the suggestion which had absolutely been made in these transactions. The practice of high functionaries acting upon private letters, was most unfair to his Majesty. Was his Majesty not to know the reasons which induced his Ministers to bring in measures which they stated to be for the good of the people? If this practice prevailed in one department, why was it not to prevail in every other? He thought, that as Ministers had founded their change of this measure on the contents of a private letter, they were now bound to make that private letter a public document for the information of their Lordships.

Viscount *Melbourne:* He was not much surprised at the observations which had been made by his noble friend on the cross-bench, and by other noble Lords on the proceedings which had recently taken place. Undoubtedly those proceedings had been extremely unfortunate. There had been much of error in them, much of haste, and much that was inconsistent with the ordinary mode of carrying on the Government — much which he trusted would not occur again, and much which was injurious to the character of the country, and to the stability of the Administration. He did in his conscience believe that in those transactions there had been nothing of ill-intention, nothing base, nothing of a low or an interested character—that all had been done under mistake, and that all had been meant in the purest principles of sincerity. With respect to the observations of the noble Earl who had spoken last, he had only to say, that he entirely agreed in them; but then the justification of the change which had been made in the Bill was not founded entirely on the contents of the Marquess Wellesley's private letter, but on the unfortunate consequences which had resulted from its disclosure. It had been said by another noble Earl, that the change in the Bill was a concession to the agitators. If that change should encourage them to proceed in their old course, if it should give them additional weight and authority, that would be a result that nobody would regret more than he should; but the fact was, that the change was not a concession to the agitators, but to the public opinion of this country, and more particularly to that of the other branch of the Legislature. The noble Earl on the other side of the House had seriously pressed upon the attention of their Lordships the injustice of insisting on one part of the Bill, and of abandoning the other. But in pressing upon that part of the Bill which the Government had retained, they had applied to it epithets of "unjust, violent, tyrannical, severe in the extreme," epithets which, if well founded, ought to induce them to vote against the Bill under any circumstances. The noble Duke had asked him, how he could venture to become responsible for the peace of Ireland, now that he had abandoned the clauses which he had formerly deemed necessary to its preservation? The absence of those clauses might, he admitted, render it a matter of greater difficulty to govern Ireland; but if that difficulty should be greater than he anticipated, he should have no hesitation in resorting to the measures which had been mentioned by his noble friend (the Marquess of Lansdown). The Government had abandoned these clauses on necessity; and it ought not, therefore, to be said, that it had abandoned the principles of the Administration which preceded it. The noble Earl opposite (the Earl of Wicklow) who had addressed their Lordships in a manner, and had used language, which if he were not desirous of avoiding harsh words, he might call offensive, solemnly put a question to him, to which he should have had no objection to have given an answer, had it not been put in so repulsive a form. The Government, he would only say, was prepared to act upon the determination formed by Earl Grey's Cabinet, and sanctioned by Parliament, and would resist to the utmost of its power everything that was likely to lead to the Repeal of the Union.

The Bill was read a third time.

The Duke of Wellington moved to add the Clauses to the Bill of which he had given notice in his speech.

The *Lord Chancellor* did not rise for the purpose of giving any opposition to this Amendment, though he must say, that he could not concur in it. He rose, however, to state, for the satisfaction of the noble Earl behind him (the Earl of Wicklow), that the noble Earl should again hear him state for the second time the reasons which had induced him originally to give his support to these clauses. He thought, however, that the noble Earl might have spared him the trouble of this repetition, as the noble Earl, after infixing those reasons well in his mind, had refreshed his memory by reading what appeared to be a very correct note of what he had said when he first delivered his opinions upon this subject.

The Earl of *Wicklow,* interrupting the noble and learned Lord said, that he neither wanted nor stood in need of any such repetition as that with which the noble and learned Lord was threatening him. He wanted the noble and learned Lord to reconcile, as he had promised, the inconsistency of his conduct in supporting these clauses on one day, and in condemning them almost on the next.

The *Lord Chancellor:* The noble Earl had completely misunderstood him. He seemed to think that he (the Lord Chancellor) had changed his opinions respecting these clauses—that he had abandoned them entirely—and that he was not inclined to repeat them. Now, what his two noble friends (the noble Marquess and the noble Viscount) had already said to-night was that which he too was now about to say. It was not an option on the part of Government whether it would omit these clauses or would not. The noble Earl had dwelt upon the Ministers' abandonment of their principle, and had called upon them to explain their inconsistency, as if it were not possible to explain it, when the simple fact was, that they, having formerly held certain opinions in favour of these clauses, had been induced by a total change of circumstances to abandon them. It had been said, that the present Government, professing to be a mere continuance of Earl Grey's Ministry, had begun its career by introducing a measure totally repugnant to that which that noble Earl had approved. Now, that was not the fact. What better authority could they have upon the point than his noble friend himself? And what had his noble friend said? With that manliness which formed a distinguishing part of his character, and which at once adorned and exalted him above all his contemporaries, his noble friend had said, "Whatever might have been his opinion formerly, still, if he had remained at the head of the Government, under all the circumstances in which the present Administration was placed, he would have adopted the same course with them." [" *No, no,*"] No! why he had heard it with his own ears, and could trust implicitly to his own recollection. [The Marquess of *Lansdown:* Earl Grey said, that "he would have advised it."] Well, it was all the same; whatever his noble friend would have advised, that he would have done. His noble friend then had said, that he would advise the non-insertion of these clauses in the circumstances of unparalleled difficulty in which the Government was placed. As mention had been made of his noble friend lately at the head of the Government, he must say that he agreed entirely in all that had been said by his noble friend on the cross bench, and the noble Marquess opposite, respecting that distinguished and honourable man. But of this he was sure, that a man less capable of the special pleading which had that night been put into his mouth by the noble Earl behind him—a man to whose character such special pleading was less germane—a man less capable of that disingenuousness which the noble Earl behind him had attributed to his noble friend, was not to be found upon the face of this earth. The noble Earl had told their Lordships, that his noble friend had come down to the House and said, "I have never said that I was ill used. I have never said, that I had much to complain of. I have never said, that there was treachery around me." From all which the noble Earl, with a prodigious ignorance of his noble friend, had concluded that his noble friend all the time meant that it was true that he had been ill used—that it was true that he had much to complain of—that it was true that there had been treachery around him. Now, this was not only not what his noble friend had complained of, it was also directly the reverse; for the noble Marquess who had just spoken had distinctly said, that he knew that there had been no such thing as treachery or bad intention. The noble Marquess also had added that his noble friend had said that, though that had been done of which he disapproved, he had still the firmest reliance on the pure motives and the honourable intentions of those who had done it. He owed it to his right hon. friend the Secretary for Ireland to state thus much, for it would have been most extraordinary. If his noble friend had had the slightest doubt, or the slightest vestige of a shadow of doubt, remaining upon his mind respecting the good intentions of his right hon. friend, knowing as his noble friend did all the circumstances of the transaction. If there was any motive more than another which operated on those, who had acted in the manner which their Lordships had heard described more than once that day, it was the desire to smooth the way of his noble friend, to make the task of government easier to him, and to prevent that event from happening which all persons, both in the Cabinet and out of the Cabinet, equally deprecated—he meant the retirement of his noble friend from the head of the Administration. He appealed to his noble colleagues — he appealed to his noble friend himself—whether more assiduous efforts—nay, whether more repeated efforts—had ever been made by one set of men connected with another in the same Cabinet to retain that man amongst them and to prevent him from resigning, than had been made by the members of the present Administration within the last twelve months to prevent the resignation of the late Premier? No less than six times had his noble friend expressed a wish in the last year to resign. On this point he could speak with some certainty, for, in five out of six of the cases in which attempts had been made—and they had all succeeded but the last—to dissuade his noble friend from his intention, he (the Lord Chancellor) had taken a foremost part. He knew that a rumour, a very absurd rumour, had gone abroad, that his noble friend, the Chancellor of the Exchequer, and himself had long wanted to destroy the late Government, and that they had directed all their efforts to remove the noble Earl who had lately retired from its head. Now, why was his noble friend so anxious to retire upon this late occasion? Because he had made up his mind that he would retire at the close of the Session, in the course of a couple of months, or it might be of a fortnight. " But then," said his noble friend on the cross bench, " the noble earl resigned, and his Government was dissolved, when *presto*, by the touch of the magic wand of the noble Viscount, or of somebody else, all the members of the Cabinet were restored to their places, and each of them was found to be as he was before." Now, his noble friend had given a somewhat different account of this transaction. His noble friend had said, " the moment my noble friend, Lord Althorp, thought proper to withdraw, I determined to do so too; but, having once resigned, I could not think of returning again to office. I rejoiced, however, in prevailing upon Lord Althorp to continue in office, although I would not continue in it myself, because I had made up my mind for months previously to retire from the Government." All this their Lordships had heard long ago; but there was an important feature connected with it which, by some accident, had been forgotten by the noble Viscount, who seldom, however, forgot anything. It was said, that his noble friend (Lord Althorp) had authorized the communication made by Mr. Littleton to Mr. O'Connell. Now, his noble friend never did any such thing. He was asked, whether it would be inconvenient to the Government to make a communication to that personage? To that he had answered, " No;" but when he was further asked, " Ought there to be such a communication made to Mr. O'Connell of the intentions of Government as would induce him to suspend his motions?" his noble friend had said, " Yes," but had added, " Take care that you don't commit yourself." Was this permitting every species of communication? Quite the reverse. His noble friend (Earl Grey) had said, that he would refuse all communication with that eloquent and distinguished personage. Now, on that point he differed entirely from his noble friend. He did not know how Government could be carried on if certain leading men were to be considered as tabooed and interdicted from all communication with the Government. To say that, with a leader of opposition distinguished for his talents and eloquence —with a man who was held in reverence by a large portion of his countrymen, and who exercised great influence over them, no communication should be held, appeared to him to be one of the worst and most ill-grounded maxims on which the business of Parliament could be conducted. In point of fact, he did not see how business could be carried on if such communications were stopped. He had never hesitated to make a statement of his opinions when they differed from those of the distinguished person to whom allusion had been made so often that night; and if any of their Lordships should charge him with dreading that individual, or those who acted with him, he would only say this, that he did not know any man who had expressed himself more strongly against that individual and his supporters than he had, when he had felt it to be his duty, and a painful duty he could assure their Lordships he had always found it to be. He trusted, that their Lordships knew sufficient of him to be aware that he could not truckle to any individual, but he would not call it truckling to individuals or abandoning his duty, to hold forth to them such concessions as were just, and to adopt such courses as were conciliatory, provided that such concessions and such conciliatory courses were for the safety of

Ireland and the tranquillity of the empire. He held such concessions to be wise and statesmanlike; and it would be no argument to deter him from making them, to say that, by granting them, he should favour and exalt any one given man. His duty was, to consider men only as they were connected with the subject; his duty was to view the subject in all its bearings, and to fling all personalities, whether of odium or of favour, to the winds. He had very sanguine hopes, notwithstanding the omission of these clauses, that the Bill would be found sufficient for its purpose; and, if he did not entertain these hopes, it never should have had his sanction. But if, after having made this concession to feelings which prevailed elsewhere, the Government should find that agitation was renewed in the centre of Ireland, and that the flame there rekindled should be spreading to the more remote parts of the country, their Lordships might be assured that the Ministers would advise the re-assembling of Parliament, for the purpose of applying a remedy to the then ascertained necessity of the case. That that necessity might never arise was his most fervent prayer, and he might add, that he felt almost a confident expectation that it would not. He trusted, that the prospect which had been held out in both Houses, that the Parliament would be convened, if the state of things in Ireland rendered its meeting necessary, together with the good feeling which he hoped to see prevail among all classes of men, would have the effect of preserving the peace of Ireland. Nothing could be more incorrect than to say that he, even at the beginning, was one of those who thought these clauses to be as necessary as the other parts of the measure; for he had already stated, that he was originally opposed to the re-enactment of the public meeting clauses, and anxious for their omission, as well as for the omission of the Court-martial clauses. This he had before mentioned in explanation to a noble Earl not at present in his place; but he had added, that on further consideration of the subject, and after he was convinced by the additional communications and discussions of the injustice of pressing upon the peasant in the country, while the agitator in the city was permitted to go untouched, his repugnance to the re-enactment of the meeting clauses was overcome, and he agreed with his colleagues, for they came to a unanimous opinion on the subject, as to the necessity of retaining the clauses. The correspondence which had taken place between the Secretary for Ireland and the Lord-lieutenant had been a good deal dwelt on, but the intimate confidential habits of those two persons, and their near family connexion, made a constant correspondence on their part a matter of course. And what did his right hon. friend (Mr. Littleton) write about? The Lord-lieutenant having at one time stated the Court-martial clauses were necessary, and having at another expressed an opinion that they might be dispensed with, all that his right hon. friend requested the Lord-lieutenant to do was to reconsider his opinion with respect to the necessity of the public meeting clauses. He was also in the frequent habit of corresponding with the Lord-lieutenant of Ireland. He had communicated with him on every subject interesting on this or the other side of the water, and distinctly remembered having asked his noble friend in a private letter whether, as the Court-martial clauses had been flung over, he could not do with still less of the Bill? He never received an answer to that inquiry from his noble friend; but his noble friend wrote a letter to the noble Earl, lately at the head of the Government, in which an answer was given by anticipation to that inquiry; for he believed that the Lord-lieutenant distinctly said, that the question he (the Lord Chancellor) had put had not given rise to his letter. A great misunderstanding prevailed with respect to the cause of the omission of the meeting clauses. It had been said to be the letter sent by the Lord-lieutenant to Earl Grey. This statement had been repeatedly made, and as often denied. The letter sent to Earl Grey was not the cause of the omission of those clauses, for after its receipt a Cabinet Council was held, the subject was discussed, and the Ministers came to the unanimous conclusion not to give up those clauses. But he would tell their Lordships what was the cause of the omission of those clauses. It was the communication to Parliament and to the people of that letter, which showed that at one time, at least, a doubt existed in the minds of those best capable of judging on the subject as to the necessity of the public meeting clauses, that convinced every member of the Cabinet of the perfect hopelessness of carrying them. The noble Earl (the Earl of Wicklow) had passed sentence on the Government for not retaining those clauses, but this the noble Earl ought to have been the last person to do. The Government had omitted those clauses because they knew they could not carry them; and what prevented the noble Earl from voting for the Amendment of the noble Duke (the Duke of Wellington) to re-introduce the clauses, but the conviction that they could not be carried? The noble Duke had also attacked the Government for leaving out the clauses, but, influenced by the same prudential reasons which guided the conduct of the noble Earl, he did not intend to press his Amendment to a division, because he knew he could not carry it. He (the Lord Chancellor) had felt much gratification at hearing the speech of the right reverend Prelate (the Bishop of Derry). It was worthy of a good Irishman and a good Englishman. Swayed by no bad party spirit, but, on the contrary, entertaining the kindest feelings for his country, he had, like a firm and wise legislator, stated his opinions, in the great bulk of which he (the Lord Chancellor) concurred; and he hoped that the right reverend Prelate would join him in praying, (for sure he was, the right reverend Prelate's prayers would be more effectual than his) that no necessity might arise for the extraordinary reassembling of Parliament, but that the present summer might be signalized by increased tranquillity in that part of the United Kingdom to which the right reverend Prelate belonged.

The Earl of *Wicklow* denied, that he had ever charged the noble Earl, lately at the head of the Government, with resorting to special pleading. The noble and learned Lord on the Woolsack stated, that he had frequently communicated with the noble Marquess at the head of the Irish Government. Now, he could not help thinking that the noble and learned Lord had made them acquainted with a fact of very great importance, for, considering the noble and learned Lord's high station, his correspondence must necessarily have had great weight with the noble Marquess. The object of these communications was said to be to keep Earl Grey at the head of the Government. No doubt the Ministers were very anxious to keep Earl Grey among them; and if report spoke true, they had made that distinguished individual an offer of the Privy Seal. [The *Lord Chancellor:* No, no.] He could only say, that the statement was widely circulated, and as widely believed. [The *Lord Chancellor:* It was not correct.] He hoped the Ministers would all deny the statement for the offer was not an honour to them. The noble Earl, in conclusion, condemned the course pursued by his Majesty's Ministers, and observed, that if greater agitation than ever did not shortly prevail in Ireland, it would not be owing to the present Bill, but to the bargain which, to the disgrace of the Government, appeared to have been made with the base part of the country.

The *Lord Chancellor* could assure the noble Earl that the bargain which he supposed the Government to have made with what he called the base part of the country was the creature of his imagination; for no understanding had been come to, no negotiations had taken place between any human being and the Government, or friend of the Government, authorized or unauthorized, as far as they (the Ministers) knew, which could, even by the greatest perversion of language, be characterized as a bargain. But the noble Earl was only preparing future grounds for an attack on Ministers; for if agitation prevailed, he would attribute it to the omission of the meeting clauses; and if agitation ceased, he would see in that fact only a proof that a secret treaty had been made with the base part of the people in Ireland. As he had mentioned the correspondence which had taken place between him and the Lord-lieutenant, he trusted, that in justice to the noble Marquess, the production of that correspondence would not be called for. If the letter to Lord Grey was unfit for publication, the correspondence which had pas ed between him (the Lord Chancellor) and the noble Marquess was certainly not less so. It related to private and domestic subjects, and would be perfectly unintelligible to the public at large. Some of it was in prose, and some not in prose —some in Latin, and a small part in Greek; and he believed that a more motley correspondence had never before been produced. It was this literary intercourse, which he carried on with such a truly classical, accomplished, and great man as Lord Wellesley, that formed the chief amusement of his moments of relaxation from business. But, he repeated, that the letter sent by Lord Wellesley to Earl Grey was not occasioned by anything written by him (the Lord Chancellor).

The Marquess of *Westmeath* was glad to hear that negotiations had not taken place between the Government and a certain party in Ireland. He was convinced that any concession made to that party would only have the effect of rendering the situation of the loyal inhabitants of the country more uneasy.

The Duke of *Wellington* felt convinced, that if his Majesty's present Ministers had so chosen, they might not only have carried the Bill with the public meeting clauses in it, but also have retained Earl Grey at the head of the Government. It, however, appeared from the statement of the noble and learned Lord on the Woolsack, that not the contents of the letter written to Earl Grey, but the discovery of its contents, formed the reason for omitting the clauses relating to public meetings. Was it, then, to be supposed that a reformed House of Commons would have so far stultified itself as to reject the Bill as originally introduced, merely because a discovery was made of the letter written to Earl Grey? He did not intend to press the Amendment he had proposed to a division, for reasons which must be obvious to every one of their Lordships. He only moved it, that he might have an opportunity of recording his opinions, and protesting against the omission of the meeting clauses.

The Amendment was negatived without a division, and the Bill passed.

The following Protest against the Third Reading (after amendments had been negatived) of the renewal of parts of this Bill was entered by the Duke of Wellington.

Dissentient—1st. Because the three clauses of the Act of the 3rd William 4th, c. 4, which it was the object of the Motion to insert in the Bill, were calculated to prevent the evils existing in Ireland, which Parliament had upon former occasions declared to be "dangerous to the public tranquillity, inconsistent with the public peace and safety, and with the exercise of regular government."

2nd. Because the Lord-lieutenant of Ireland has declared that in his opinion the "agitation" (which it is the object of these clauses to prevent) "of the combined projects for the abolition of Tithes and the destruction of the Union with Great Britain, had in every instance excited and inflamed the disturbances existing in Ireland;" which his Excellency has described as being "of a discontented, disorderly, and turbulent character;" such as "secret combination, concealed organization, suppression of all evidence of crime, and the ambition of usurping the Government, of ruling society by the authority of the common people, and of superseding the law by the decrees of illegal associations." That this system of agitation had for "its inevitable consequence, combinations leading to violence and outrage;" that they were "inseparably cause and effect."

3rd. Because his Majesty's servants have expressed, in strong terms, their concurrence in these opinions of the Lord-lieutenant, and their sense of the necessity for adopting measures to meet the system of agitation. They have stated, that it is impossible "that a perpetual system of agitation can be pursued without stirring up among the people a general spirit of resistance to the constituted authorities, which breaks out in excesses such as have been described." "That it is not safe to leave the Government unfurnished with the means to prevent an association calling itself the Central Association of Dublin, assuming a political character, carrying on its proceedings with all the forms of Parliament, directing other associations throughout all parts of Ireland, and desiring a general organization for the express and avowed purpose of carrying into effect measures which must be subversive of the security of the country, and destructive of all peace, order, and law." "That it is not consistent with justice to put down the liberties of the people in the country, but not in the city, and that Parliament should press hard with the weight of the loins upon the peasant, but not lay the weight of the little finger on those, who by their conduct nourish and increase excitement and generalize local agitation." "If the effect, disturbance and outrage, must be put down, the exciting cause must be attended to likewise." "It is an infraction of popular rights when power is given to prevent or put an end to public meetings; but it is not a greater infraction of the constitutional rights of the people, a more decided invasion of the indisputable rights of the King's subjects, than is to be found in the sunset part of the Bill?" "It is necessary to apply a legislative enactment to the exciting cause, as well as to the mischief which that excitement produces."

4th. Because the principle of the British Constitution and the object of all our laws, from Magna Charta down to a recent period, have been to give protection to life and property, as well as to secure the liberty of the subject; which last has hitherto been considered as the means to attain and secure the first mentioned objects.

5th. Because the protection of the subject by the Sovereign, and the allegiance of the subject to the Sovereign, are reciprocal duties. It appears, therefore, to be the duty of the two Houses of Parliament, convinced by the evidence laid before them of the state of disturbance, outrage, plunder, and murder, existing in Ireland, of the insecurity of life and property, of the misery and sufferings of the industrious peasantry and other classes, and of the discontinuance of all habits and pursuits of industry, wherever these outrages prevail, to pass laws to enable his Majesty and those exercising his authority effectually to prevent them, if possible, and to punish those guilty of exciting them.

6th. Because it appears, from the papers laid upon the Table of this House by his Majesty's Ministers, that the Act of the 3rd William 4th, cap. 4, wherever it had been carried into execution, had been effectual in preventing agitation, and, in a great degree, disturbance and outrage, and in bringing to trial those guilty of such offences; that witnesses had come forward to give their testimony of injuries done to themselves or others; that Magistrates and Juries had performed their duties; and that the districts of the country in which the Act had been enforced were beginning to feel the effects of returning tranquillity, security, and happiness.

7th. Because it is obvious that the Bill now under consideration cannot prevent agitation in associations in large towns. Yet it is to these associations that the Lord-lieutenant attributes the system of violence and outrage, as effect to cause; and he states, that he cannot separate the one from the other in the unbroken chain of indissoluble connection by any effort of his understanding.

WELLINGTON.
PENSHURST.
ROSSLYN.
BEXLEY.
WHARNCLIFFE.
MELROS.
FORESTER.
REDESDALE.
ERNEST.
LONDONDERRY.
BEAUFORT.
FALMOUTH.
MOUNT CASHELL.
COLVILLE.
WYNFORD.
WARWICK.
WICKLOW.
SALISBURY.
BELMORE.
WILTON.
SANDWICH.
PRUDHOE.
GLENGALL.

HOUSE OF COMMONS,

Tuesday, July 29, 1834.

MINUTES.] Petitions presented. By Mr. LITTLETON, from Attorneys in Ireland, against the Civil Courts (Ireland) Bill.—By Sir ROBERT PEEL, from Clogher, for Protection to the Protestant Church in Ireland.—By the same, and Mr. RICE TREVOR, from a Number of Places,—for Protection to the Established Church, and against the Separation between Church and State.—By Mr. SPRING RICE, from Limerick, for a floating Dock at that Port.—By Mr. ROTCH, from several Places, against Trades Unions.

SOUTH AUSTRALIAN COLONIZATION.] Mr. W. Whitmore moved the Order of the Day, that the House resolve itself into Committee on the South Australian Colonization Bill.

On the question that the Speaker do leave the Chair,

Mr. *Baring* said, that this was the most extraordinary Bill that had ever been introduced into that House, and as an opportunity had not yet been afforded of discussing the principle of the Bill, he did not think it could be otherwise done than on that occasion. He would, therefore, take the opportunity to make a few remarks on what he considered the object and scope of the measure. He would first call the attention of the right hon. Secretary for the Colonies to the subject, because, though the Bill professed to be brought in by the hon. member for Wolverhampton, and to be supported by the hon. and gallant Member behind him, yet when the House considered the immense extent of the scheme, and how far the Crown lands were involved in it, it became very difficult to know how it could be considered otherwise than a Government measure. His first objection was to the period at which the Bill was brought forward. The Bill was only printed on the 17th of July, and when hon. Members reflected on the difficulty of getting a House together at this advanced period of the Session, for the despatch of the ordinary business of the country, he thought it was too much to call on Parliament at such a moment to deliberate on so grave and comprehensive a subject as that of colonizing Southern Australia. On this ground alone, without entering into the important questions the measure involved, he would seriously recommend the postponement of the Bill till the next Session. He had said, it was a most extraordinary Bill, for it proposed to establish a new colony in Australia. If that were the real object, why should the Crown depute it to private individuals, and why should so important a measure be put off until a joint-stock company, that was to be raised for the purpose, should take the matter up? But the real object of the colony was, to realize the views of a set of gentlemen, whom he hoped he should not offend by calling experimental philosophers, and with whom this was a favourite and long-cherished theory. These philosophers were about to form a colony upon a principle which would throw all others in the shade. They were persons possessing great and varied powers of mind, and most enlarged understandings, but, as it too frequently happened, the schemes of these theoretical individuals were seldom so contrived as to meet the ordinary purposes of life. He had always been of opinion, that plain practical men were much better able to conduct the affairs of mankind than persons who advocated particular theories. Two of the greatest generals who ever lived, Frederick of Prussia and Napoleon Buonaparte, used to say, if they wished to select a person unfit for government, they would seek for him among the theorists of the colleges. He was of the same opinion. But what was this project? One would have thought there was full scope for the talents of these experimentalists in the wastes of Pennsylvania, where there was nothing to obstruct the enlarged views they entertained. Or if they wished to make the experiment merely, why had they not selected some moderate-sized cabbage-garden, without going to a country nobody knew where, and grasping a tract of territory embracing several degrees of latitude and longitude and bounded only by the great geographical line of the tropic of Capricorn? The Bill he viewed as a speculation, and he objected to it because it raised a large sum of money on the land by way of mortgage, while the future government of the country was taken out of the hands of the Crown. He would therefore say, limit the attempt, or the colony would be so tied up by mortgages that it could not revert to the country again. If the Crown made the experiment, it possessed the power to retrace its steps; but the result of this Bill would be, that if these gentlemen made a mistake, as he knew they would, after their blundering was at an end, the land would be so locked up that it would be unavailable, and this country would have to redeem the mortgage. He was himself a friend to emigration; he liked to see new colonies established, because he considered them a benefit to the poorer classes of the country; but he did not think this measure in any way connected, as had been stated, with the Poor-law Amendment Bill, which they had passed. He did not therefore oppose this Bill on the ground of hostility to the principle of emigration, but because it was founded on interested motives, without any view to benefit the parties who might be induced to emigrate, and because it would tend ultimately to throw discredit on emigration itself. For his own part, he should like to see the same system prevail in our colonization that existed in the United States, by which a most beneficial and convenient intercourse was kept up. He was not disposed to make objections of a party nature, or he might point to that part of the Bill which increased the patronage of the Government, by giving them the nomination of three more Commissioners; but he would confine himself to objecting to the scheme itself. He would say, take sixty or 100 miles square; and he asked, if that was not enough for these gentlemen to play their pranks in? If the experiment succeeded, or if the quantity of land was insufficient for the experiment, let them add another 100 square miles, and another 100 after that; but why block up half a great Continent, by seizing on such an immense tract of land? Why, the very distance would make it impossible to form a settlement to any considerable extent. It was well known, that emigrants might get to America from Ireland in thirty days, and for 3*l.*, and 50,000 had accordingly emigrated there in the course of one year. The money to be borrowed by this Bill was 200,000*l.* in the first instance: the whole amount, however, was unlimited, and was declared to be raised for the purpose of sending emigrants out to

Australia. The scheme on which the whole plan rested was, that no land was to be sold under 12*s*. an acre, and so positive were the philosophers in this theory, that they would not leave it to the Government to interfere in any respect; they said the colony might have what form of government it pleased, but 12*s*. an acre at the least, must be paid for the land without any discrimination, whether it were sheep-walk or the richest arable land, but that no credit could be given. He spoke from experience in matters of this sort, having in the early part of his life spent many thousands in plans of this description, and he would pledge his existence on the fact, that the principle of paying 12*s*. an acre and not allowing any credit could not be practically acted upon, and yet it was on this principle the whole plan mainly rested. He had several thousand acres of land in the best parts of Pennsylvania, and he would be glad to sell it for half the money, and give very good credit into the bargain. The very smallest quantity of land an emigrant could take was 200 acres, which would cost him 120*l*. in ready money; it would cost him 120*l*. more to remove his family there, and he must spend at least 500*l*. or 600*l*. to stock the land. Now, he would put it to any man acquainted with the condition of the people to say, whether there was any individual to be found so great a fool as to lay out these sums of money, to set himself down upon 200 acres of land in a community of kangaroos? He admitted, that he never knew an instance of a sober and temperate working man going out without acquiring independence and comfort, but he must also observe, that if a small English farmer were to make the experiment with his few hundred pounds, he would heartily repent it. Then, what was the way the land was to be worked? Why, they expected the English labourer would go over there to work for them, as convict labour would not be permitted; but they would be disappointed; the labourer would not go over to Australia to seek labour only to promote the experiments or make the fortunes of others. He considered the details of the Bill quite impracticable. 200,000*l*. was to be borrowed to send emigrants over to people the colony; he did not say this would involve the responsibility of the public, but the loans must be contracted, and the land shut up until the Government paid off the debt. He next objected to bonds being circulated through the country apparently on the faith of an Act of Parliament, as they would tend very much to delude the public, who might advance the money, and would have the effect of lowering the credit of the country. There was another absurdity in the Bill. It was provided, that those who lent the money should have it back upon three months' notice; but how were they to get back their money from the tropic of Capricorn? It was not from any hostility to emigration itself, for if he was sure it would be of benefit to the poor, he should look at the dreams of success with pleasure and delight, but it was because he believed the scheme would prove abortive, and turn the whole plan of colonization into ridicule, that he gave it his most decided opposition. He would only ask the right hon. Secretary whether it was just or politic to introduce so important a Bill at this period of the session, and whether so extensive a subject ought not first to have been considered by a Committee up stairs? He was so convinced that this ought to have been the case that he would conclude by moving that the Bill be commited that day six months.

Mr. *Wolryche Whitmore* returned his thanks to the hon. Member for the very fair and candid tone in which he had addressed the House, being convinced that no Member of that House was better acquainted with the subject, or possessed a clearer understanding of its general bearings. The first objection of the hon. Member was, that the promoters of the measure were endeavouring to establish by Act of Parliament what it was in the power of the executive to perform without it. He admitted that it was so, but if the hon. Member would look to what had taken place on the occasion of establishing other colonies, he would find they had frequently been established by Act of Parliament without the intervention of the Crown, therefore they could not be said to be deviating from the constitutional practice on similar occasions. The hon. Member had called the supporters of the measure philosophers, experimentalists, theorists, and a variety of other names, and had also said it was the project of a joint-stock company. He would not say their theory was right—it was yet untried, and might prove erroneous—but he would say there was no class of philosophers, or theorists, or whatever the hon. Member pleased to term them, that ever undertook a plan of any kind with less prospect of any personal advantage to themselves. The appointing of three Commissioners would not add to the patronage of the Government, and all objections to the Bill on that account were without foundation. He next contended, that it was absolutely necessary that a very considerable extent of territory should be employed for the purpose as an inducement for emigrants to settle there, it being intended that no convict should be suffered to set a foot in the colony. Convict labour would not be allowed in the colony, and every encouragement would be given to free labour. The principle of the Bill was, that all the proceeds arising from the land should be employed in sending out adult labourers, by which means the surplus population of, as well as the uninvested capital of this country, would find the means of employment. The hon. Member had also objected to the measure on the ground that labour would not be cheap in the colony. He trusted, that labour there would not become cheap, which was a circumstance greatly in favour of the Bill. The object, however, was not so much to regulate the wages of labour as to supply the colony with labourers. The hon. Member also complained that all the land was estimated at the same value. It was true that the price of the whole was fixed at 12*s*. an acre, and it was natural to suppose that all the good land would be first bought up, but in proportion to the progress of cultivation, when roads had been constructed and the lands enclosed, the whole would be rendered valuable. The hon. Member would find, upon inquiry, that the land at present sold by the Canada Company, was at a considerably higher rate than 12*s*. an acre. The hon. Member objected to the distance of the colony; but that objection was obviated by paying for the passage of labourers. It was true, that the Bill gave the Company the power of borrowing 200,000*l*. for carrying on the government of the colony; but it would borrow a small portion only of this sum at first, and increase the debt as the extension of the population of the colony might render it necessary. It was said, that the Company was to have power to borrow money to an unlimited extent for the purpose of sending out labourers, but it would submit to some limitation on that point. As the Bill now stood, however, it could not borrow money for that purpose, until after it had raised a sum of money to secure the Government of this country against all charges on account of the expenditure of the colony, and until after there should have been deposited 35,000*l*. for the purchase of land. It was true, that this 35,000*l*. would remain a debt upon the land, but it was not of such large amount as to excite any apprehension; it would be liquidated as fast as possible, and during the time that it lasted, a constant stream of labour would be poured into the colony. He was inclined to think that it was the policy of this country to encourage emigration to Australia rather than to our American colonies. If the principle, then, upon which the Bill proceeded were correct, and it should succeed in introducing civilization into Australia—a point which was of the utmost importance—the nation would derive greater advantage from peopling Australia, than from colonizing our American possessions. But whether the measure should prove successful or not, that which the House and the country were most desirous to see would be promoted by it, inasmuch as a full scope would be given to the energies of the country. It would afford the means of transmitting to a foreign country the advantages resulting from the excellent institutions of Great Britain; it would afford the means of employment to all industrious subjects, to the rich as well as the poor; and the Bar, the Church, and the medical profession, which were inundated with superfluous talent, would be afforded the means of a free exercise of their extensive and varied energies. But one of the most salutary effects of the measure to which he looked forward, was the improvement of Ireland, which he thought was more likely to be effectually promoted by measures of this description than of any other.

Mr. *O'Dwyer* did not rise to oppose the Bill, although he should say, that he could not give the principle of it his support. If the Bill, however, went to a Committee, he should assist in amending such of its provisions as appeared to him of an objectionable nature. He rose principally to express his strong dissent from the opinion that the creation of colonies, and the transportation thither of that which could not be supplied—" the bold peasantry " of the land—was not in itself a calamity much to be deplored, even if its necessity were proved to exist. He would add, that no necessity could be proved to exist unless it were demonstrated that nature had been so improvident as to multiply human beings in a degree exceeding the means of a country for their support. This consideration would, in itself, have induced him to direct the attention of the House to the unexplored advantages which the empire contained within itself, even if the hon. Member had not made a particular reference to the country to which he belonged. He paused to express his surprise that the projectors of this scheme had sent their philanthropy on a voyage of discovery to the tropic of Capricorn, and that it never occurred to those who were so desirous to encourage colonization, that Ireland, their own country—filled with subjects of the same Government—similar in language, habits, tastes, and connected by all the intersocial relations which existed—should not claim their earliest attention. Was it not strange that at this time and when emigration to distant lands was so bountifully encouraged, one-fourth of the soil of Ireland, although chiefly reclaimable, was in a state of nature, and English enterprise had not yet reached it. What did this proceed from? Was it from insecurity for property? Who spoke of the insecurity of investments in Ireland? Did Englishmen, who were ever ready to scatter their capital in the most perilous experiments? Loans were levied with facility for every foreign government that had a show of authority, as well as for governments not yet established, and it mattered not whether the negociator was the cacique of Poyais or the latest adventurer, the pretender to the Spanish crown, the capital of Englishmen was freely embarked in desperate speculation. Was it, then, the much exaggerated insecurity of life that deterred Englishmen from exploring the unworked mines of Irish industry? He understood the House to affirm his inquiry; but, without dwelling on the exaggerations which abounded on this subject, he would ask, did not every one agree that the distractions of Ireland flowed from her misery, and that wherever employment travelled, industry, peace, contentment, and all the blessings of obedience to the laws, and tranquillity, followed in its train? He was sorry to say, that there existed in the House a singular ignorance of the condition of Ireland, and that most of the hon. Members who heard him knew less of that country than of the most remote of their dependencies. Probably most hon. Members, even those who knew everything concerning the intended settlement at Australia, were ignorant that there were in the library volumes of *Parliamentary Reports* on the subject of reclaiming the waste lands of Ireland, and that they all concurred in the wisdom, the humanity, and the practicability of that measure. Report succeeded Report, full of the evidence of the most experienced agriculturists—the most distinguished men in science—the most learned in the statistics of the empire—all presenting an irresistible mass of proof on this subject, and illustrating their opinions by the results of successful experiments, and that their Reports were as a dead letter to this very moment. Previously to 1819, four Reports had been made, and the statements in them were enforced with strenuous recommendations in the Report of the Committee of 1819, which then sat to inquire into the causes of the hunger and disease which prevailed in Ireland the previous year, That Report stated, amongst other facts. that there were 2,000,000 acres of reclaimable bog in Ireland, of a soil suited to the production of grain, and that they presented a great source of employment for the population, which would, in addition, ensure to England supplies of grain at moderate prices, and which would render that country independent of foreign nations for the food of its manufacturing population. He should add, that Mr. Nimmo had stated, that there were nearly 4,000,000 of acres which were reclaimable. Had anything been done to effect these desirable results? He answered, nothing. The same Report recommended the enactment of a law to assist private speculation in this matter. This suggestion, too, was unheeded, and in 1824 a Bill with this object was introduced. At that time Ireland suffered under the misfortune of having as Chief Secretary the right hon. Gentleman who represents the University of Cambridge, and he resisted the Bill with a promise of introducing a measure still more beneficial, of which the country had since heard nothing. He should not delay the House with much further observation, but he could not avoid adducing one statement from hundreds equally strong. The Report of 1819 stated, that there was an immense amount of land in Ireland convertible to the production of grain—that all the scientific men consulted by Government, including Griffith, Nimmo, Sir Humphrey Davy, and a host of other eminent men, had given their testimony as to the cheapness with which an experiment might be made of its likely good results, and of the important advantages to the wealth and strength of the empire which this experiment would bring. He now asked the House to reflect upon the observations which he had felt it his duty to make, he hoped not unreasonably. Would it not be better policy to cultivate the natural resources of their own empire, and raise up, as it were, from new creations of their own land an attached body of fellow-subjects, who, in future ages, as in the present, would be affected by no interests antagonist to the empire at large. Humanity as well as policy recommended this course. The system of emigration contained in it most distressing incidents. Every man, no matter how humble, loved his country, and in severing himself from the land of his fathers he made a sacrifice most frequently of his own happiness for the prospective benefit of those who were dear to him. Emigration, too, generally drew from the country the best and least indigent of the humbler classes, and left a residuum of the idle and the profligate. It was then better to apply themselves to a serious investigation of the subject on which he had occupied the attention of the House; and when their own natural means of providing for a superabundant population was proved to be inefficient, let them engage in those remote speculations which he now thought were at least premature. Whilst he said this, he did not deny, that in most cases those persons who emigrated from this country greatly improved their condition. He merely contended, that the empire did not benefit by the process.

Mr. Secretary *Rice* said, the hon. Member who spoke last seemed to have forgotten, that the waste lands he had alluded to belonged principally to private individuals. He could, however, inform him, that the Government had not been inattentive to the subject, but that in several parts of Ireland the Government had become proprietors, and had made great efforts at a practical improvement of the land, which he was of opinion would be of more general utility than any legislative measures of improvement. He thanked the hon. member for Essex for the useful and practical light in which he had approached the consideration of this question; and thought, if there was one consideration more than another that ought to weigh with the House and the people on the subject, it was this,—that it was distinctly ascertained that a *primâ facie* case was made out of the probability of the scheme being successful, in order that the public might not be able to turn round on Parliament or the Government, in case of its failure, and say that, having brought them into the difficulty by sanctioning the speculation, they were bound to lend protection to them. The Government was fully aware of the difficulties that surrounded the question, but they were overbalanced by the great advantages, and the great probability of success held out by the proposition contained in the Bill; they had, therefore, determined to countenance it, considering it one of its duties to do every thing in its power to extend the advantages of British institutions to every part of the globe. He was surprised to see the hon. member for Essex oppose the Motion for going into Committee, that an opportunity might be afforded of seeing whether the details to which he objected could or could not be amended. The hon. Member had much overstated the extent of the territory that would be employed in colonization; but it was of the greatest importance that it should not be too limited, inasmuch as no convicts would be permitted to enter the colony, and, therefore, it became necessary that ample space should be afforded to induce labourers to seek employment there. The question of extent was, however, quite an open one. The measure had been called a Government measure; so it was, to a certain extent, the Government having consented to the introduction of the measure into Parliament for the purpose of discussion; and if it should meet the approbation of the Legislature, and appear to be a fit subject for experiment, the Government would be willing to lend their aid to it, not certainly as a joint-stock company, but to carry into effect the recommendation of the promoters of the Bill whether they were philosophers or not. He was of opinion the very circumstance of such despots as Napoleon and Frederick being opposed to the principle of theoretical men, was a great argument in their favour. He should certainly desire to see a practical man at the helm; but he thought it would be of advantage to the ship if the exertions of scientific men could be brought into operation, subject to such direction. He differed with the hon. Member in supposing, that any of the prerogatives of the Crown were compromised by this application to Parliament: on the contrary, he thought such a proceeding the most constitutional course. He did not think the colonization of the Swan River and other countries would have been worse, if they had been passed through that House. He concurred with the hon. Member in regretting, that the measure had not been introduced at an earlier part of the Session, and also, that such an unlimited power was given in issuing bonds. He would observe, in conclusion, that the principle of the Bill had been assented to by his right hon. friend who preceded him in the office he now held. As the objection was confined to the details of the Bill, he hoped the House would suffer it to go into Committee.

The House divided on the Motion:—Ayes 72; Noes 7: Majority 65.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Attwood, M.
Bannerman, A.
Barnard, G.
Barnes, Sir E.
Beauclerk, Major
Blamire, W.
Bowes, J.
Briggs, M.
Buckingham, J. S.
Bulwer, H. L.
Burrell, Sir C.
Calvert, N.
Chapman, M. A.
Chapman, A.
Chichester, J. P. B.
Clay, W.
Collier, J.
Crawford, W.
Dalmeny, Lord
Divett, E.
Duncombe, T.
Evans, G.
Evans, Colonel
Ewart, W.
Ferguson, Sir R.
Ferguson, R.
Fleming, Admiral
Fryer, R.
Gaskell, D.
Grote, G.
Hay, Colonel
Hawkins, J. B.
Hawes, B.
Hoskins, C.
Humphrey, J.
Hutt, W.
Langdale, C.
Lemon, Sir C.
Maxwell, J.
Morpeth, Lord
Mullins, F. W.
Oliphant, L.
Oswald, J.
Pelham, C. A.
Peter, W.
Philips, M.
Porter, R.
Pryme, G.
Rice, Rt. Hon. T. S.
Ruthven, E. S.
Scholefield, J.
Scrope, P.
Shawe, N.
Sinclair, G.
Skipwith, Sir G.
Stewart, P.
Talbot, J.
Thicknesse, R.
Thompson, B.
Tooke, W.
Torrens, Colonel
Troubridge, Sir T.
Turner, W.
Verney, Sir H.
Wallace, M.
Warburton, H.
Williams, W. A.
Wilks, J.
Wood, G. W.

TELLERS.

Childers, J. W.
Whitmore, W.

List of the NOES.

Hughes, H.
Sandon, Lord
Somerset, Lord G.
Tancred, H. W.
Tower, C. T.
Wall, B.
Walter, J.

TELLERS.

Baring, A.
Handley, Major

The House went into Committee: the Amendments were passed, in order that the Bill might be printed in its amended form.

MAJOR PITTMAN.] Mr. Hutt rose to ask the hon. Gentleman, the Under Secretary of the Home Department, whether he had received any information as to the case of Major Pittman, a Magistrate, who had been found guilty of an offence against the law?

Mr. *John Stanley* said, that he had received no information upon the subject, but, perhaps, his noble friend, the member for the county of Devon, could give the hon. Gentleman some.

Lord *Ebrington* said, that he first heard of the matter on Thursday last, through what purported to be an extract from a letter, giving an account of an assault committed by a Magistrate of the county of Devon; and he then thought it his duty to wait upon the Lord Chancellor, when he found that the noble and learned Lord's attention had been already called to the matter, and received his direction to make further inquiry into it, and to inform him of the result. By the last post he had received an answer to a letter which he had addressed to the Chairman of the Petty Sessions, which stated, that the circumstances as reported in the paper were substantially correct. Perhaps, however, it would be right for him to state, that that Gentleman added, that it was his impression, and that he believed it to be that of his brother Magistrates, that a sufficient example had already been made for the ends of justice by the punishment inflicted by the Court. He had also received a letter from Major Pittman, expressing a hope, that a week's time would be allowed him to enable him to send up a statement, which he trusted would remove the unfavourable impression which the case had created. In this stage of the proceedings it would, of course, be improper for him (Lord Ebrington) to express any opinion in a matter so deeply affecting not only the office held by Major Pittman, but also his character as a Gentleman. No proceedings would, of course, be taken, until Major Pittman had had the fullest opportunity of explanation, and until the Lord Chancellor was fully in possession of the whole of the circumstances. When that period had arrived, no doubt such steps would be taken as were necessary to satisfy the justice of the case, and also to uphold the character of the Bench.

Colonel *Davies* did not understand upon what ground the House had been referred to the noble Lord in such a case. He thought such an interference and explanation quite irregular, seeing that the noble Lord was only Member for the county.

Lord *Ebrington* said, he was Vice-lieutenant of the county also.

The subject was dropped.

TITHES (IRELAND).] Lord Althorp moved, that the House should resolve itself into a Committee upon the (Tithes Ireland) Bill,

Mr. *O'Connell* rose to take the sense of the House on the question upon which he had given notice for the postponement of the measure for the present Session; for, whatever might have been the form of his notice, such was its object. Difficulties which had arisen prevented him from bringing his motion forward at an earlier period; and he should at present confine himself to as few topics as he possibly could. He had first to inform the House, that the Bill itself contained 172 clauses. This was what he might term the large Bill—while there was another, which added 30 clauses to the original Bill, making in all 200 clauses. It was unnecessary for him to remind the House, that they had now arrived at the 29th of July; so here were 200 clauses to be considered; and they were of such a nature as to affect the people of Ireland doubly—they affected both the tithe-payers and tithe-receivers—those who desired to be relieved from the burthen, and those who wished to make it the means of a large and emolumentary possession. Besides, in its nature, the Bill was of vital importance to Ireland. There was no man acquainted with that country who did not know how much of the disturbances which existed there flowed from the fertile source of the tithe system. At the same time, there was no man acquainted with Ireland who would say, that all the disturbances which existed there flowed from the tithe system. It was mixed up with other causes, which accumulated as well as produced crime, and led to all its embittering effects. The object of the Government, it was his conviction, was to introduce a measure to quiet Ireland. No doubt the quietness of Ireland was the object they had in view; and he was the more convinced of this from the changes which had taken place in the Bill—some of them useful, but others, he regretted to say, of a contrary tendency. If ever there was a measure which required a fuller or more deliberate consideration, it was certainly this Bill. Nor would he be accused of exaggerating, when he said, that upon this more than upon any other measure or class of measures introduced into that House depended the tranquillization of Ireland. Perhaps hon. Members did not advert to the immense advantage which, during the last twelve years, tithe-owners had obtained by legislation over tithe-payers. Eleven years ago tithe-owners were amenable to public opinion, and even to those from whom they received their tithes; and the consequence was, that in nine instances out of ten the tithe-owner was obliged to assent to a fair and reasonable composition. He readily did the Irish clergy, as a body, the justice of admitting, that where they themselves levied tithes without the intervention of a proctor, with some marked exceptions, they were just and lenient. Another advantage to the tithe-payer was, that if the owner did not collect the tithe each year, he lost it for ever. Up to the period of which he was now speaking, there had been many partial insurrections, for such he called the disturbances on account of tithes. Afterwards the Composition Act was passed, and it gave to the tithe-owners a great advantage over tithe-payers, an advantage of which they did not neglect to avail themselves. They had powers of distraining, of sustaining actions without proof of contract, every possible power that could be bestowed on them, greater than those possessed by landlords themselves. His Majesty's Government at that time, as would appear from the debates, exulted in the thought, that they had finally settled the question. And what had the result been? Why, that at the end of six years from passing the Act, Ireland exhibited a greater picture of disturbance and disunion than ever—disunion to everything but opposition to the collection of tithes. He implored the Government to reflect on this, and not, by persevering in the same system, to turn over another leaf in the same book of calamity. What were they now going to give the tithe-owners? a demand on the Treasury, to be secured by the proprietor by a rent-charge on the best property of the country—and this was intended to quiet Ireland! Now, what would be its effects. The measure was not a uniform one, and there would be an uncertainty and variation in the charges on the various parishes of Ireland. He could quite comprehend any measure for quieting immediate and existing discontents, even though that measure should require sacrifices from the tithe-owners or tithe-payers, or both. He could easily understand the value and importance of an immediate remedy; but this Bill, he would implore the House to recollect, could not come into complete operation till 1839. They might as well talk of postponing the settlement of the tithe question for ever. By this Bill, from the 1st of November next, and including that day, the present tithe-owners would cease to have any claim upon the land. But with regard to everything due before that time, they would be left to their usual and present resources. According to the Tithe Composition Act, the tithe-owner must distrain for his claim within twelve months after it was due, or not at all. Now, look what would be the effect of this limitation; it would just operate as Lord Tenterden's Limitation Act had—as a notice to every man to come forward and distrain, and urge all dormant claims, lest they should be for ever foregone. Then, in addition to this, from the 1st of November, they would begin collecting in the 1,000,000*l.*, or the 800,000*l.* of it which had been expended. Indeed, whatever might be the feeling of the parties, there was one class of dormant claims which must be made against those of deceased testators; for if the executors forebore to make them, a Court of Equity would charge them with the amount as assets in their hands. He knew it had been said in private, that those dormant and out-standing claims were not numerous. He believed, however, that the amount was greater than was imagined. At all events, their paucity in number was an additional reason for Government interfering by the present Bill, and taking into their own hands the entire of those claims. And then, in addition to all these, they would have to collect their own land-tax or rent-charge. So that, the month of November next, if this Bill passed in its present shape, would probably be a sanguinary month. He did not say it as a threat or taunt; but he deeply feared that such would be the effect of the harvest of litigation and contention which would then be reaped; thereby increasing the existing hostility to tithes, and aggravating the dangers of the country. How much better would it be to bring in a Bill founded on one uniform plan. By the present measure an allowance was to be made to landlords, varying from twenty-five to forty per cent. Now, what, he asked, would be the practical consequence of such a variation? Suppose three nearly adjoining farms, one paying the rent-charge of 100 per cent, the next, seventy-five per cent, and the third, in an adjacent county, divided only by an imaginary line, paying only sixty per cent, what would be said by those farmers when they met together at the same market, and compared their relative situations? How contented they would be! They would be told it was according to the law and the Act of Parliament! What great additional respect it would give them for laws and Acts of Parliament. How it would increase the filial respect which they felt for the species of protection they had been in the habit of receiving from Acts of Parliament! This, surely, was not the way to quiet the country. He did not doubt that Ministers were actuated by the purest intentions; but had they the most opposite notions, they could not have thrown together a more complete olio of contradictions and difficulties, or one more calculated to excite riot and disturbance. Forty per cent! He did not deny it was a boon; but why not give it at once and to all? Instead of bidding and huxtering with the landlords about it, let them give it at once, and levy the rate. The Government supposed, that by holding out this temptation, they would get the landlords to come into their plan; and probably many would—many honourable men—who would allow their tenantry the benefit of what they received from the Government; but he feared there were many others who would jump at it as a bargain to benefit themselves alone. These landlords would be regarded by the peasantry as tithe-proctors, and every one knew in what degree of esteem they were held in Ireland. For his part, he should not like to be the man to collect that landlord's rents. It was a great evil that the feelings which had hitherto existed against the tithe-owners alone, was extending itself to the landlord. The waters of bitterness were swelling in that direction. This was no party question. It was admitted on both sides of the House, as one of the greatest evils of these agrarian disturbances, that they had the effect of assailing rent; and he very much feared that the position in which this Bill would place the landlords, would direct the agrarian disturbances towards getting rid of rent. How much better then would it be to postpone this Bill to next Session, and suffer all these serious objections to be weighed in the interim! Besides, there was another most important objection to proceeding with the present Bill. They had issued a Commission, a Commission approved of by themselves, a Commission, perhaps, too tedious in its details, but founded on a principle full of hope for Ireland. It was impossible for Government to go on next Session without some general plan of tithe appropriation. They could not form a judgment on this subject till they had obtained the Report of that Commission. How much better, then, to defer the final settlement of the question till then, and form the whole into one uniform system! Let them, then, moderate that little, if they found it too much, or increase it if they found it too little; for of this he assured them, that if the appropriation were satisfactory, they would find the collection of tithes in Ireland much more easy. The success of any or every system they attempted to establish, must depend upon the nature of the appropriation. If they postponed the measure, they would have time to deliberate whether they could not, with advantage, frame the Bill in a different way. Whether it would not be better to make the abatement of forty per cent certain for three years, with the power of diminishing the allowance to landlords by whom, or in districts by which it was opposed. In fact, all they ought to do would depend on the result of the Commission, and if they did not postpone their Bill, they could not expect to make it anything but a piece of patchwork. With respect to the withdrawal of the redemption clause, about which so much had been said, it was clear that they could not properly settle, till they had settled the appropriation. He thought that such a plan of redemption might be devised as would get rid of dissatisfaction in Ireland—lead to the final extinction of tithes. Again, let them consider the advanced period of the Session—let them look at the thin state of the House on a discussion that at another period would have filled its walls. Two-thirds of the Members were out of town, and the majority of those who attended to its business were Gentlemen connected with the Government, who must necessarily feel disgusted at having a discussion forced upon them when their votes were previously engaged. Surely it was not right to decide upon so important a measure, and now open to so many objections, under such circumstances; nor was such hop-step-and-jump legislation calculated to attract the confidence of the people of Ireland. But the question would be put to them, what they would do if the measure were postponed? He admitted that was a question which he was bound to answer, for it could not be left as it was. Well, this then, was what he proposed. There was from 200,000*l.* to 300,000*l.* of the million not yet disposed of. He knew, indeed, that 820,000*l.* had been claimed, but many of those claims had been disallowed, and reduced. He knew that, in the South especially, many improper claims were advanced; one especially, in the county of Cork, where the barrister (Mr. Antisell) actually had produced to him the receipts of the tithes claimed, and still the parson insisted on his claim, because the peasantry had forgotten to give the requisite notice of opposition. The barrister, however, refused his claim. In relation to what he had said before, he would remark that persons who made such claims, were not likely to fail in bringing forward before November next any which were at all colourable. Well, these claims were at present, say 200,000*l.*; to that he would ask them to add 150,000*l.* more, pledging the House by a Resolution, that it should not come upon the general taxation of the country, or upon the Consolidated Fund. But let it, if they pleased, be raised by Exchequer-bills, especially and solely chargeable on the tithe-property of Ireland. He saw no objection to thus anticipating the tithe, and he would warrant they would get the money in half-an-hour. They were substantially arranging this question as a new Government, and should be bound only by their own opinions of expediency; and he urged them, therefore, to adopt a course which would lead to the most satisfactory settlement of the question; and if they thought any parties would not take the money, they had only to tell those parties, that they would not give them the assistance of the military or police in collecting their tithes, and they would not find it necessary to put forth any other Proclamation. He was sorry such a bad feeling existed amongst the clergy. What he was going to relate he could prove by an hon. Member of that House, who was coming in the packet from Cork with the clergyman in question. The hon. Member asked the clergyman, whether he would take any of the million, who replied, he would not touch a farthing of it, but that he sold his tithes, 800*l.*, to a tithe-proctor for 450*l.* ready money, on the express stipulation, that he should not give up one farthing to the "rascals." The advance of this sum would suffice till the next Session, when the Commission would have made its Report, which Report, together with the plans of the Government, he should propose to be referred to a Select Committee, consisting of Gentlemen of all parties and opinions, who might give the subject their most deliberate attention; and if then they failed in tranquillizing Ireland, it would be impossible to deny that they had done their utmost to accomplish it. He was sure there was nothing in the temper or character of the Irish people to render it likely that an experiment of justice and kindness should fail. No man could say from experience, that it would, for very few such experiments had been tried, and one which had been made was accompanied by a rigid refusal to carry its consequences into effect. Let them only come to the determination deliberately, and it would be sure to be satisfactory. He apologized for detaining the House so long, and concluded by moving, that the Bill be committed that day six months.

Mr. *Littleton* said, that the hon. and learned Gentleman had referred to the complexity of the Bill; but he assured the House, if the alterations which Government had to propose were acceded to, its length would be greatly diminished, and instead of 200, it would not contain more than seventy or eighty clauses. He could not think the hon. and learned Gentleman was really sincere in the proposition which he had made in the conclusion of his speech, to appropriate the residue of the one million, and take another grant of 150,000*l.* for the purpose of meeting the present necessities of the case, in order to the safe postponement of this measure. He, at all events, could never consent to such a course of proceeding. For what would be the effect of the proposition? He was not blind to the evil consequences that had resulted from the grant of last year. A long desuetude of payments must always be attended with most unfortunate effects. But the hon. and learned Member instead of one year's desuetude proposed two, and it was very much to be feared, if that proposition was acceded to, when the period of appropriation arrived, the House would find that a total annihilation of tithe property had been the consequence. He did not think that the hon. and learned Gentleman believed the House would ever accede to such a proposition. His only object seemed to be, by postponing the subject for another year, to render the collection of this revenue still more difficult. He did not mean to impute any improper or personal motives to any one; but he believed, that the hon. and learned Gentleman was so deeply pledged to a resistance of tithes altogether, that he never could consent to any plan which did not involve the total destruction of that species of property; and for that neither the House nor the country were yet prepared. Although the hon. and learned Gentleman had so far expressed his gratitude for the kindness in which the measure originated, he had not given that full and entire credit to Government which they deserved, for the efforts they had made to conciliate the feelings of the Irish people generally, and which he hoped, if successful, would be most beneficial. Indeed, he was convinced from the communications which he had received from those who were professionally connected with Ireland, that there was the greatest disposition on the part of the landlords in that country voluntarily to take on themselves the payment of tithes on the conditions offered by Government, and a great proportion, he had no doubt would be disposed to give the benefit of the advantageous concession which had been made to their tenants, thus making, *pro tanto*, an absolute extinction of tithes. He should certainly oppose the proposition of the hon. and learned Member.

Mr. *Sheil* supported the proposition of the hon. and learned member for the city of Dublin. The English Tithe Bill had been introduced at an early period of the Session, and had been abandoned in consequence of the disapprobation of certain gentlemen who came up as delegates from all parts of the country; and yet the Irish Tithe Bill, which had not been produced till a late period, was obstinately persevered in, notwithstanding the united opposition of the two Irish parties in that House. He opposed the Bill because it greatly exaggerated the value of tithes. The lay tithes, instead of being scheduled at 1,000,000*l.* were valued at 3,000,000*l.*, and the clerical tithes were rated at twenty-five years, instead of twelve or thirteen years' purchase. The Bill involved the most important interests of Ireland; and why should it be discussed and decided in that advanced period of the Session, and in the unavoidable absence of the great majority of the English and Irish Members? He had heard hon. Members connected with his Majesty's Government say, that if necessary, Parliament might meet in October. Yes, they were ready to meet in the month of October, for the purpose of enacting measures of coercion; but nothing could induce them now that they were assembled to adopt any measures of relief or remedy. They, at that side of the House, had been charged with being factious; but this, at least, could not be denied, that a portion of the Members at his side, possessed something like a practical knowledge of the country, while on the opposite side, even the responsible advisers of the Crown might, with one exception, be said to know nothing of Ireland. The right hon. Gentleman opposite, the Secretary for the Colonies, certainly had had a practical acquaintance with that country; he was a Gentleman who must be respected for his talents, and confided in for his integrity; he believed that that Gentleman loved Ireland, and earnestly desired to promote that which he believed to be its true interests, but if he persevered in supporting such a measure as the present, it might with perfect truth be said of him, that he permitted his love altogether to overcome his judgment.

Mr. *Henry Grattan* said, that everyone of the various Bills introduced from time to time in that House, were declared to be for the pacification of Ireland, and for the permanent settlement of the tithe question. Especially the several Bills respecting tithes were declared to be in every instance for the permanent settlement of the question, and, in an eminent degree, the Bill of 1828 was expected to produce that permanent settlement. Yet by what a strange process was that object sought to be accomplished—by nothing less than the enactment of a law which would sanction the arrest of an Irish landlord in England for the tithe debts alleged to be due by him in Ireland. What was another feature? Why, that certain parties were to have a bonus of forty per cent for collecting that which he would undertake to say, never could be collected. Let it be recollected, too, that this bonus was offered to parties constituting a class, a very large proportion of which stood in rather peculiar circumstances—he alluded to the persons holding leases for lives renewable for ever. They were chiefly persons having incomes of 500*l.* to 600*l.* or 700*l.* a-year, belonging to that stamp, who had, up to the present moment, resisted the payment of tithes; and no man living, who had the slightest acquaintance with Ireland could doubt, that they would continue to resist them; putting power into their hands, or leaving it optional with them to facilitate or impede the operation of the measure at their own good pleasure, was the surest mode that could be adopted for defeating its provisions altogether. Would hon. Members be at the trouble just to look at the Bill as it stood, they would find that, stripped of the redemption and the appropriation clauses, it was almost nothing—a thing affording as little prospect of a permanent settlement of the question as anyone of the several measures which had been introduced into that House year after year, and Session after Session, as far back as the recollection of the oldest Member could extend. If they wished to abolish tithes both in name and in substance in Ireland, let them impose a tax upon the land throughout the country. He remembered that when this doctrine was broached before, the right hon. member for Tamworth (Sir Robert Peel) asked, whether the tax was intended to include houses, and his answer was "Yes," because, if the house-owner had the benefit of a Protestant clergyman, he had a right to pay for it, as well as he (Mr. Henry Grattan) or any other gentleman had who held a landed estate. He would say, let this tax be imposed generally—let the amount of it be placed in the hands of Government, and let a proper remuneration—say, 200*l.* or 300*l.* a-year — be given to the working clergyman, who preached, or otherwise officiated in his Church, fifty-two times a-year (few of them did so often). In this way the clergy would be respectably provided for, without being driven to solicit from a poor and almost perishing people, the mean and trifling offering which each was expected to make. After making this provision, they would find that a surplus revenue would remain, applicable to such charitable cases as might be agreed upon. Let Government propose such a measure as this, and the House and the country would at once understand it. But as the law now stood, clergymen called in the aid of the police and the military in the collection of their tithes; and what was the consequence? In a district in one county (Monaghan we believe), the troops and police had been called in—houses were broken open, and the lives of the inhabitants threatened if they offered to resist. And for what? For the recovery of poor and paltry sums due to the clergyman in the shape of tithe; and for these sums the clothes, furniture, and other articles, were seized and taken away without remorse. This outrage was complained of, and an Assistant-Barrister, Mr. Curran, was sent down by the Irish Government to institute an inquiry upon the spot; that learned gentleman, for whom he entertained the highest respect, appeared to him to have made a report certainly erroneous, and as certainly against the feelings of the people, and against what they believed to be justice and their own legitimate interests. That he should, in consequence of such a report, have incurred the odium which now unfortunately attached to his name in Ireland, was quite a matter of course, and he begged to say, that Government might have easily found a fitter person to put upon the Commission recently appointed in consequence of the Motion of the hon. member for St. Alban's, than one who, whatever might be his private and personal merits, was the last man in the world who ought to have been placed in a situation which required to be filled by persons capable of commanding the respect and the confidence of the people of Ireland. Surely such men alone ought to be Commissioners to inquire into a question which involved interests affecting at least one-seventh of the property of the country, for if they took the trouble to reckon up the value of the Church-lands, the tithes, the Church-cess, the minister's money, and the other payments made to the Established Church, they would find that it amounted to at least one-seventh of the whole property of the country. Was this the way to afford satisfaction to the people of Ireland? Were they to go on continually experiencing this cruel and grinding system of oppression? In the year 1800 boundless promises were made to them—freedom, peace and comfort were to be at once their lot. Commerce was to flourish, and wealth was to flow in so rapidly as almost to inundate the country. These were the promises of Mr. Pitt in 1800. How had they been redeemed? There was no redemption—the whole ended in sad, comfortless, hopeless disappointment and despair. If there had been faith or truth, or honour in these promises, would not the Government at least have entered into inquiry with a view to redress? If the Ministers wished to act fairly and honestly towards Ireland, would they not take some steps to redeem those promises to which the English Government was pledged. If this had been done at an earlier period,—if it were proposed to be done, it would be the means of preventing those acts of outrage and violence which, if pursued, were likely to lead to consequences of a much more serious description. Were they, he would ask, to pass a question of this important nature without inquiry—without consulting the feelings and opinions of the Irish people? Were Ministers to propose this after having given up the English Tithes' Bill, and the English Poor-Rates' Bill, upon an expression of dissent on the part of the majority of the people? It was not so on the question of Reform; there the petitions presented by the people were counted, and their opinions consulted. He would say, that upon the whole, the Ministers were legislating against common-sense and common-reason; they were acting with a total disregard to their own characters, and without the slightest consideration for public honour or national reputation. He was, for the reasons he had given, bound to support the Amendment of his hon. and learned friend the member for Dublin.

Lord *Althorp* observed, that the hon. and learned member for Dublin moved for delay, without stating the course which, in the event of such delay being granted, he was prepared to recommend Parliament to pursue. As far as he could understand the object of the hon. and learned Gentleman, it was limited to this—to postpone for the present Session the measure then before the House. The substitute which the hon. and learned Member proposed for the Bill was an advance of money, in order to enable his Majesty's Government to go on till the next Session of Parliament, without taking any definite step in the arrangement of the question of Irish tithes. His right hon. friend, the Secretary for Ireland, had, however, clearly stated, what must be the consequence of any such proceeding, namely, that so long a cessation in the collection of Church property, would make it almost a matter of impossibility ever to collect it at all. Now, he did not believe that that was the object of the hon. and learned Gentleman, or his friends; for, however they might differ from his Majesty's Government as to the appropriation of Church property, they all agreed that that property ought not to be abandoned. Unless, however, some step were taken to show, that that property would be collected, the total relinquishment of it would soon ensue as a matter of course. The hon. and learned Member had made some observations on what might be the effect of landlords, by this Bill, pursuing different courses; some taking the bonus offered by the Bill, and others not doing so; and he had stated, that in some cases the tenants would have to pay the whole of the tithes, in others only seventy-five per cent of the tithes, and in others only sixty per cent. In his (Lord Althorp's) opinion, the tendency of this would be to produce a more rapid commutation of the tithes by the prospect of benefit which that commutation would hold out. "But," said the hon. and learned Gentleman, "why not do that at once which you now propose to spread over the space of five years." That proposition had been under the serious consideration of his Majesty's Government; but it had been thought better, instead of subjecting the landlords to any compulsory condition, to leave the matter to their own option. Most undoubtedly it was the wish of his Majesty's Government to carry their plan into effect at as early a period as possible, and he repeated, that the only ground on which they abstained from insisting on an immediate composition was not disinclination to that result, but a disposition to avoid throwing on the landlord a burthen which he might not be prepared at once to endure. The hon. and learned member for Tipperary argued, that because Ministers had postponed the English Tithe Bill they ought to defer to the wishes of the Representatives of Ireland, and postpone the Irish Tithe Bill. Now, he (Lord Althorp) begged to say, that the results of such postponement would be very different in the two countries. In England, there would be little, if any, of dissatisfaction; certainly no breach of the public peace, and tithes would continue to be paid. But in the present state of public feeling in Ireland, not only would no money be paid, but there would be confusion and bloodshed. Hon. Gentlemen had said, that they ought to leave to the tithe-owners the power of recovering their arrears. Now he believed that in amount they were very small. He believed, in fact, that with the advances made by Government, and the collection that had since been effected, the arrears were smaller than many hon. Gentlemen supposed. Therefore, by postponing the Bill, they would not prevent the danger which it was supposed would attend the collection of a large amount of arrears. Upon all these grounds, then, he was resolved to persevere in urging forward the Bill, notwithstanding that such strong objection had been taken to the measure on the ground of Ministers having left out the redemption clause. That certainly was the last accusation which he thought would have been brought against them, especially by the hon. and learned member for Tipperary, or any of those hon. Members from Ireland who were in the habit of voting and acting with him in that House. He had always understood from those Members that one of their chief objections to the Bill was its containing that very redemption clause, the omission of which was now made matter of complaint. In the criticism of the 6th clause which the House had heard from the hon. and learned member for Tipperary, he to some extent assented, and was rather of opinion, that the Bill would not go through a Committee without considerable changes being made in the form of that clause. Before he sat down there was one other topic to which it was necessary that he should advert—namely, the notice which had been taken of the various other Bills heretofore introduced into that House respecting the affairs of Ireland. He begged leave to say, that he had never thrown on a late right hon. Colleague of his (Mr. Stanley) the sole responsibility of the previous Tithe Bills, or the sole discredit of their failure. It was not his habit to throw on others a responsibility or a censure which might partly apply to himself. He had in the beginning approved all those measures, and given them his hearty support, but subsequent experience convinced him, that they were not calculated to work out the great practical results which he, in common with his right hon. friend, and in common with the other ministers of the Crown, anticipated. Therefore, he must in fairness say, that a part of the shame of failure—if there were any, when they all did for the best,—most assuredly attached to him in common with his right hon. friend. The proposition now made by Government, had one great object, to throw the tithes on the landlord, and thus relieve the occupying tenant; and to induce the landlord to take this responsibility, by giving to him—or, more properly speaking, by giving to his estate, rather than to himself—a handsome bonus. By so doing, he hoped they did that which would ultimately tend to the satisfaction of Ireland, and the consolidation of the strength and resources of the two countries. He well knew the difficulty of the question—he was fully alive to the embarrassments which surrounded it; but he honestly thought that, in the course they were now taking, they were going far to supply a remedy to that great evil which so powerfully afflicted Ireland. It was said, "Why not wait awhile, and call Parliament together again at an early period, to adopt some measure in reference to tithes? but really this argument, in his eyes, carried with it no validity whatever. Then, too, it was said, that the Irish Members were away, or going away. Really, if the objections of those hon. Gentlemen to the present Bill were not sufficiently strong to induce them to remain throughout the discussion, he did not think they would be justified in declining, for the present, to legislate upon the subject. This was rather a strange way of maintaining their own position. He thought it was the duty of that House to proceed with the Bill, and, at least, endeavour to do something to restore tranquillity to a distracted country. Let it be remembered, that the subject was not new—that the question had long agitated the public mind—that there had been ample time for the full consideration of the Bill before them. The case was urgent; and he conscientiously believed, that if they did not now take it into their serious consideration, with the view of settling the public mind, and coming to some practical decision upon it, that greater danger and confusion might ensue, which would entail upon them a responsibility which he, for one, was not willing to bear.

Mr. *Lynch* said, that it was his intention to support the Motion of his hon. and learned friend, the member for Dublin; and he would do so, not only on account of the inconvenient season at which the question was brought forward, but because he objected to the Bill altogether. It was neither final nor satisfactory. Final it was admitted it was not, and satisfactory it could not be, for it neither gave a proper appropriation nor just redemption. The noble Lord said, that the question now was the preservation and security of the fund. They were called upon, therefore, to secure the fund, without knowing for what purpose it was to be applied. They were called upon to enter into a contract without being told what all the terms of that contract were. They were called upon to increase to an enormous extent the value of the property (if the expectations of the noble Lord were realised), without being informed for whose benefit the value of the property was to be so increased, except so far as they were informed by the Bill itself; and when he looked into the Bill, he there found that the appropriation was to be continued as heretofore for the support of the Establishment. He objected to this blindfold, this piecemeal legislation. He asked why this measure was not made final? His Majesty's Ministers had made up their minds, as they informed the House, to a different appropriation. Why did they not settle that appropriation at once? It was said they had not sufficien information. Then, he asked, why not wait for that information? But the noble Lord would ask, what was to become of the fund in the meantime. He, however, would ask the noble Lord, what would become of the fund if this Bill passed? They would not be able to collect in either case. They might legislate; but they would legislate in vain. They might endeavour to collect, but their Exchequer would be empty. Call it what they might —tithes, composition, land-tax, or rent-charge—the fund would never be secured whilst they continued the present appropriation. That appropriation was continued by the present Bill. This was not his opinion alone, but the opinion of every witness examined before the Committee of 1832. Besides, he should object to any Bill which did not make a different appropriation from the present, not only because he objected to that appropriation, but because he was anxious to secure the fund; and, without a different appropriation, he did not consider the fund could ever be secured. For the sake of the security of the fund itself he objected to the present Bill, for of this he was perfectly convinced, that if the final settlement of this question was any longer postponed, the fund would be for ever endangered. He would endeavour, as far as he could, to put a stop to this wild legislation. In the course of two years they had passed three Acts of Parliament, all of which had proved abortive. They had failed in their object—that was, the collection of tithes; but they succeeded in bringing the laws into disrepute—in bringing the House and the Representatives of the people into disrepute. They had thereby shown the people what they might do by resistance—they had raised a power which they could only put down by good laws and wise legislation—they had alienated the affections of the people. He entreated them to take care that they did not by their Bill alienate the affections of the landlords. He called upon them to recollect what occurred in respect of the tithe of agistment in 1735, in the Irish House of Commons. The occupiers of land opposed the payment of that tithe. Both the Lords and Commons united in that opposition. He appealed to the Resolution passed in the Irish House of Commons on that occasion, and which had the effect of an Act of Parliament—for, under that Resolution, no agistment tithe was afterwards paid in Ireland. He asked, what was that Resolution, but resistance to the payment of tithes? And by whom was that Resolution passed? By the Catholics of Ireland? No; but by the Protestant House of Commons and landlords of Ireland. He called upon the House, therefore, to look seriously at the evil, to apply the proper remedy, and to apply that remedy in time. He called upon them not to fall into the error of the former Parliament. The proper remedy, in his opinion, was a just appropriation—the reduction of the establishments to the full amount of the tithes; and if this he could not get, he would then ask for redemption on fair and equitable terms. But what was effected by this Bill? It was a mere re-enactment, with a change of name, of the Act of 1832, with complicated and expensive machinery. By it a Land-tax was to be payable for five years to the Crown, to the same amount, not only in the whole, but with respect to each tenant, to be levied and raised in the same manner—to be appropriated exactly for the same purposes. He asked what was this, then, but the same composition, the same substitution for tithes, payable to the King, and not to the parsons. By this Bill the parson was protected, but the people were neglected. By this Bill the odium of collection was, to a certain extent, removed from the parson, and thrown upon his Majesty, whose officers were to be the tithe-proctors of Ireland. Was that wise or politic? Every objection that was urged against the first Act of 1832 was applicable to the present Bill. The impolicy of causing the King's Government to come into contact with the people as tithe exactors—the inability of the Government to enforce the demand, strengthened by the admitted failure of that Act, were applicable to the present measure. The objections urged against the Composition-Act of 1832 were also applicable to the present measure. The inability thereby to enforce the demand, and the danger of confounding rent with tithe, were all equally applicable to the present measure. His Majesty's Ministers confessed that they could not safely bring that Act into effect; and yet what was this measure but a compound and mixture of the two? It was the intention of his Majesty's Ministers to omit the redemption clauses in the Bill. He objected to these clauses—first, because the terms thereby offered were exorbitant and unjust, and, next, because the redemption money was to be laid out in the purchase of land. But it did not follow, if there was redemption, that the investments should be in land; and if the people of Ireland could not get the appropriation they asked for, he contended on their part that they were entitled to just and equitable terms of redemption. He called upon his Majesty's Ministers to ascertain what was the value of tithes previously to legislating, and at such value to allow the landlords of Ireland to redeem, if the Parliament would not alter the appropriation. By the Bill, after five years, the Land-tax was to cease, and the amount of such Land-tax, or composition for tithe, less by twenty per cent, was to become a direct charge upon the land. Every landlord of Ireland was to become a Crown debtor under the Bill. His person and all his property were made liable. This was a most important change. In the first instance tithes were mere voluntary offerings; they were afterwards enforced by ecclesiastical measures; but until after the Reformation, no remedy was given for non-payment of tithes in the temporal courts. To this hour the tithe-owner had no direct charge upon the land. He had a mere right to have the payment of tithes enforced. Previously to 1824 the income of the tithe-owner was uncertain, dependent upon the seasons and the crops. By the Act of 1824 the Parliament made that certain which was before fluctuating, and by this Bill they were about to make that certain income a direct charge upon the land. This part of the Bill appeared to him to be most arbitrary and unjust. He called upon the House to consider how other matters stood. A debt was due from the tenant to the parson. The parson had ample and sweeping remedies to enforce that demand. He failed—he was not able to enforce it—he called upon his Majesty's Government to assist him; and by means of the act of 1832 they gave him their assistance, and interfered on his behalf. They also failed in collecting the tithes. The parson called upon them for further powers, and by means of the Composition-Act of 1832, further and ample powers were given. It was acknowledged that that measure could not be brought into action—and the parson called upon the Government again for assistance; and the assistance which the Government meant to give him was, to make the landlord pay the debt of the tenant. In this respect this Bill went much further than the Bill of 1832. By that the Legislature did not interfere with existing contracts; by this Bill all contracts between landlords and tenants were violated. He asked why should this burthen be thrown upon the landlords of Ireland exclusively? This was corporate property—the property of the nation—property which could not be recovered—property at this time employed for the support of the Church Establishment in Ireland. Why should the landlords of Ireland be called upon exclusively to support that Establishment. If he were told that it was for the good of the nation—if it were said let the nation support that establishment—he denied the right of Parliament to throw this burthen exclusively upon any set of persons. He called upon the House to consider how the collection of the Land-tax and rent charges was to be enforced. The King was to have a receiver after notice given to the tenants of the landlord, or owner of the first estate of inheritance. The receiver would proceed to enforce the Land-tax or rent-charges. The tenant would either pay his rent, or might act in collusion with his landlord, and refuse to pay the receiver. The receiver would distrain. He asked, how were they more advanced by that than under the Act of 1831? There might be a rescue; the military would be called out, who might finally succeed in seizing the cattle,—the cattle were brought to auction, but no bidders; so that the scenes of 1831-32 would be re-acted. But this was only the first scene of the tragedy. The Crown being satisfied, either by voluntary or by compulsory payment by the landlord, the landlord had immediately the same campaign to go through with the person liable to him. Let the House recollect that, call it what they would, until otherwise appropriated, the people would look upon it, and consider it, and call it tithes; so that, instead of a Bill in the Exchequer by the parson against the tenant, there might be three or four, or more pitched battles,—and this was called settling the question, and restoring peace to Ireland. In the first place, it was causing the Crown to come into collision with the people; and, secondly, either bringing the landlord into collision with his tenants, and thereby endangering the rent as well as the Land-tax, or else causing the landlord and tenant to combine against the tax. The contest formerly was between the parson and the tenant; the contest, after the passing of this Bill, would be between the parson and the tenant, the tenant and the landlord, the landlord and the Government; and this was called settling the question. He would say, that, by this Bill, the very foundation of society would be sapped. It had been truly observed, that the objection of the people of Ireland to the payment of tithes was not merely to the payment itself, but to the manner in which it was appropriated. This was made manifest by the fact of the resistance being as great, if not greater, in compounded parishes than in those not compounded; and also from the fact, that they objected to the payment of the county-cess. They denied the right of any set of men to call upon another to support the minister of a religion which they did not profess; they further objected to the payment, as it was for the support of an establishment already mischievously large; and they also contended, that tithes were originally, and ought to be now, differently appropriated. He would not then enter into any of these objections, none of which were removed by the present Bill. It was true great concession had been made by the Government; but the chief objections were not removed; and he should, therefore, oppose the Bill.

Mr. *Ward* had paid an earnest attention to the arguments brought forward in support of his Amendment by the hon. and learned member for Dublin, and after giving them his most serious and dispassionate consideration, felt bound to say, that though they carried much weight in their application to certain clauses, yet that they did not at all effect those general principles on which the Bill was founded. In his opinion, the question of arrears required the immediate consideration of the Government; whether those arrears were great or small was not then the point—there were arrears, and that point peremptorily demanded, and ought, without any delay, to have the best attention of the Government. Now, he acknowledged that in the principle of the measure then before them there was much that was sound, much that was rational—that was fair, aye, and that was in a kindly spirit too. The removal of the obnoxious burthen from the tenantry to the landlord, he always considered to be a *sine qua non* in any measure which was really intended to settle the question of tithe. This was to be effected, and in a way, too, that he heartily approved, by offering such liberal terms as would induce the landlords to coincide with the views of Government. Some arguments which he had intended to have addressed to the House on this part of the measure had been forestalled by previous Speakers, and he should not repeat them; but he wished to say a word or two on the question of appropriation, which had been mooted by the hon. and learned member for Dublin. That hon. and learned Gentleman stated, that he, for one, would not take any steps to preserve tithes till he knew to what purposes they were to be applied. He looked at that as a totally distinct question. He certainly thought it desirable that they should have decided the question of appropriation on a former occasion, by which the subject would have been simplified, correct principles avowed, and an equitable settlement sooner obtained. But then the House thought otherwise, and declared, that they could not safely legislate on so delicate a subject without further information; but, at the same time, they had given a distinct pledge—a pledge that nothing could do away with—that the question should not be lost sight of, that it must and should be entertained at the commencement of the next Session, with a view of putting the principle itself into active operation. Every leading Minister of the Crown had declared his sentiments in such a way that there could, hereafter, be no doubt with regard to them. They had been plain enough, straightforward enough, explicit enough, to satisfy every reasonable friend of the principle of the State having the right of appropriation. He agreed with the noble Lord, the Chancellor of the Exchequer, that it was their duty not to postpone this measure to another year, which, perhaps, might prove fatal to the fund itself, and leave them nothing for appropriation. When, however, they did come to the principle involved in that question, it would be found how unflinchingly he would insist on the fullest latitude being given to its operation. At present he wished to confine himself to its preservation, with the view of its being applied hereafter (vested rights being respected) to national purposes. When those vested rights had fallen in, not one shilling would he allow, nor did he believe Parliament would allow, beyond the absolute justice and necessity of the case. The Bill, which in Committee might receive any alteration that was necessary should have his best support, as its leading principles had his warm approbation.

Mr. *Waddy* begged to say, that though the Irish Members in that House might be outvoted, they still ought to be heard as evidence of some weight, and as witnesses possessing some knowledge of the matter, derived from practical and personal observation. Clumsy and lumbering Acts of Parliament, however they might be multiplied, could do no good for Ireland. The people of that country were oppressed by high rents—by higher tithes; the appropriation of tithes, however, was the great question which now agitated Ireland—the people never again would pay them; and, until that question was definitely settled, neither peace nor happiness could prevail in that country. The Imperial Legislature had, indeed, been ever since the Union in the habit every year of passing Act after Act to settle this question, and each, after it had served its temporary purpose, or rather after having served no purpose at all, was, like those which went before it, "consigned to the tomb of all the Capulets," there to moulder and be forgotten like all its ancestors, as absurd and as useless as themselves. In his opinion, it was idle to separate this Bill from the question of appropriation—that alone was the grand question; the question was not about levying tithes; they never could levy them until the people of Ireland became assured that they would no longer be applied to maintain the pastors of another church. He respected the Protestant Church—he respected the Protestant clergy, although a few improper persons, as in every other Church, might be found amongst them. He would not abuse the Church or the clergy, on the contrary, he would support them as far as he could. He did not wish to find the Protestant Church endangered, and but for the abominable system of tithes the Protestant Church would be respected. That was his wish and his hope, and if it was not realized, the fault, perhaps, was not with the clergy, but with the state of the laws. When he heard there was a Scotch Attorney General for England, he expected much assistance from him upon the subject of Irish tithes. He expected to find a Presbyterian who, in his own country, resisted tithes, a valuable friend and an ally for the cause of Ireland, and he hoped that the Scotch Attorney General, who was, no doubt, as brave and as true as any of the clan of Campbell, would now in the hour of need do his duty by the sister country. All he sought for his country was justice, and if justice were not done her, the result must be frightful to contemplate. He hoped there would be no tithe war in Ireland, for it would be pregnant with ruin. He believed this Bill would be put off—he hated the Bill—for November next. "Let us have" said the hon. Member, "the little money that is due to us—I am grateful for it, but if threatened, we will resist your Tithe Bill." It might be more mild than its predecessors—but that was not enough for the people of Ireland. They had now a new head upon old shoulders, as far as the Cabinet was concerned, but yet he could not bring himself to vote for this Tithe Bill. Let justice be done to Ireland, and English money would not be required for their protection or support. Bad measures would always produce bad results—and, until the system of Government was altered, there could not be peace or happiness in either country.

Dr. *Lushington* admitted, that the Bill was exceedingly complicated and difficult to be explained; but this was unavoidable with reference to the subject-matter for which the Bill proposed to legislate, and the Acts of Parliament which had been already passed to settle the question. Every mode of legislation had been resorted to, and, he believed it was the general opinion, resorted to in vain. In framing a Bill for this exigency, it was not the fault of the present Government if it were not able, under the circumstances of this question, and in the state of society in Ireland, to produce at once a plain, single, and intelligible measure. The other alternatives were, to do nothing, or to leave the Bill of last Session to operate; but he had the opinion of the hon. member for Wexford (Mr. Waddy), and of other hon. Members, that the Bill of 1832 was exceedingly injurious to the peace of Ireland. If the Bill of 1832 was reprobated, then should they adopt the Bill of his right hon. friend with the alterations of the hon. and learned member for Dublin? As to the paltry sum of 200,000*l.*, with the addition of 150,000*l.*, if the probable consequence of granting that was, that it would set at rest a question which had agitated Ireland, no one member of that House, however devoted to economy, would deny, that it was a measure of prudence and of the best economy to grant it, and would not be ready to grant that and even a larger sum, provided such would be the effect. But he was not willing to grant a sum of money to the Church of Ireland, considering that the Church of Ireland was already in possession of a larger revenue than was necessary. He would with pleasure make a large grant to the people of Ireland, but he would not lavish on the Church of Ireland sums which it was not entitled to. It was impolitic to suffer the right to tithes to fall into abeyance, and he did not consider that the owner of the soil was entitled to the tax. He believed, that after the Church of Ireland had been amply provided for, there would be a surplus; and he hoped by the just distribution of that surplus to benefit Ireland at large. He honestly declared, that his mind was made up, and that, after maturely considering the subject, he had come to the conclusion, that the Established Church of Ireland was made to stand upon a basis, which no ingenuity, no eloquence could sustain, because it was not founded on justice. There could be no greater enemy to Ireland than he that would tie the living to the dead, and continue the system of past years, of compelling men by oppression to become converts to another faith, which was as opposed to true policy as he believed it was contrary to the word of God. He wished to wait, however, for the result of the Commission. He did not desire to deprive the existing incumbents of their incomes, or to interfere with vested interests; but he would not give one shilling beyond the actual wants of the Irish Protestant Church on the absurd ground of the expansiveness of Protestantism. The advantages offered to the landlord, by the conversion of a Land-tax into a rent-charge, were a sufficient boon to tempt him, inasmuch as it was a certain benefit of from twenty to forty per cent. If English landlords were offered thirty per cent, they would conceive themselves the most fortunate of individuals. If this were the case in England, was there such a morbid feeling in Ireland, that landlords would rather reject this boon and live on in their existing state? He could not believe it. When Irish landlords and the people of Ireland knew the feeling of that House—when they knew that it was resolved to Reform the Church, and fairly to distribute and appropriate the revenues, was he not justified in thinking that the Irish people would give them some credit for consulting their wishes and interests, and for a readiness to remove any grievances that remained? Was it not better, then, for all to unite to render the Bill as efficient as might be, in order to diminish any evils which might arise under it, and to strike out all that might operate to oppress the people? And what was there to prevent the House from revising the measure next Session? Was it more difficult to deal with a tax than with tithes? With respect to the question of investment in land, he dismissed it from his view. To redemption we must come, but to an investment in land he (Dr. Lushington) would not come; for with the knowledge of all the evil consequences that resulted in this country from tying up land in mortmain, and aware of the effects of adding 8,000,000 or 9,000,000 more to the extent of land possessed by the Church, he could not consent to a measure that must be dangerous to the country.

Mr. *Maurice O'Connell* could see no exigency which rendered the immediate passing of this Bill necessary; and as it was no effectual remedy or final measure, and gave no real relief to the occupying tenant, he would postpone it. In fact, it imposed upon landlords a tax which they would be unable to recover from their tenantry, and would only reduce the landlords to the same poverty as the tenantry. How could such a Bill be a benefit to Ireland? It compelled landlords to resort to more oppression and cruelty than before. Landlords, who wished to be kind and forbearing to their tenants, were taxed sixty per cent, and compelled to levy this tax from the tenant. Why not either take off, in a straightforward manner, forty per cent at once, or wait till the great question of appropriation was decided, and till they had the Report of the Commission?

Mr. *Barron* said, that, in the absence of any other plan which was likely to produce peace and tranquillity in Ireland, he must vote for entering into discussion, at least, upon the clauses, without pledging himself to the details. He thought, that some of his hon. friends were now dealing rather hardly with the Government. He remembered that, at a meeting of the liberal Irish Members, which he attended, it had been determined to press the Government to concede three points—first, the omission of the appropriation clause; secondly, that there should be a new valuation in all cases in which there had been any complaint; and thirdly, that the reduction on tithe should be increased from fifteen or twenty per cent to forty per cent. Now all these points had been conceded; and he accordingly considered it rather strange that hon. Gentlemen should now offer such strenuous opposition to the Bill. The landlords would, he was sure, make nothing by the Bill, but would give every farthing which was abated of the tithes to their tenantry. He was quite certain, imperfect as the Bill was, that it would be beneficial to Ireland; and he, therefore, would vote for the Committee.

Mr. *Fryer* looked upon the Bill as a robbery Bill. The object appeared to be to take away money from the Irish Church and to give it to the Irish landlord. The Government, he considered, had acted in a cowardly manner. The full value of the tithe ought to have been imposed on the land. The Bill would never satisfy the people of Ireland. He was convinced they never would be the better for it.

Mr. *William Roche* spoke as follows:—Sir, ably and amply argued as this question has already been, I shall not venture to detain you long. Apprehensive, Sir, as I am that this Bill is not calculated to create general satisfaction, nor to arrive at a speedy, sound, and equitable settlement of so momentous, so long floating and fluctuating a question. Believing, therefore, that it is susceptible of much improvement in order to render it perfect and permanent, and that it may, during the recess, experience that improvement, especially by the introduction of two most vital, but omitted principles, those of a salutary appropriation of any excess of income and of an encouraging plan for redemption of tithes, with a view to their final extinction, I do think it would be advisable, with these objects, to defer the measure to next Session, in expectation of those improvements, without which it will be in vain to deem it conclusive. Sir, my hon. friend, the member for Waterford, has alluded to the dignified bearing which the landlords of Ireland will evince in this respect, as regards the reduction they are to enjoy; but even if so, Sir, I should like to see the same reduction rendered rather more than optional in favour of the tenantry also. He has likewise adverted to circumstances which attended some meeting of the Irish Members on this question, an explanation of which I shall leave to those Gentlemen who took a more prominent part than myself on those occasions; for, Sir, never having been personally connected with tithes, either as payer or receiver, I was not so conversant with their minute details and bearings as others of my hon. friends. But, Sir, I do not feel the less acutely on a subject so interwoven with the fate of Ireland, and always one of the most prominent and permanent amongst the many causes of Ireland's destruction and miseries. Important, indeed, Sir, should be the advantage of the Established Church to Ireland, in other respects, to counterbalance and compensate for the evils engendered by the injustice and severity of its tithe system, and the pride and oppression of its ascendancy. But, Sir, as we cannot recall or remedy the past, it is the more our duty to rectify and improve the future, and endeavour to bring about a conciliatory feeling throughout the various grades of religion altogether. My own impression certainly is, that it is not consonant with the true interests of religion itself, with moral justice, or even political expediency, to empower any one sect to levy forced contributions on another—I say forced, because there are many things which would and ought to be done from good feeling, from spontaneous and Christian-like principles, that it would be great injustice to render compulsory,—a principle of compulsion, Sir, that has tended materially to mar those kindly influences on the human mind which religion is otherwise calculated and designed to produce. But, Sir, meantime it is our duty to render the present system as little obnoxious as we can. I am, therefore, glad to see the impost put more directly on the landlords, preventive as it will be of those calamitous conflicts which have so often occurred between the parson or proctor and the peasantry, which tended so much to degrade religion and demoralize Ireland; and furthermore, when the complaints of the peasant would be met with the bayonet or the Bridewell, the remonstrances of the landlords would be calmly heard and attended to. But, Sir, redemption, with a view to final extinction, should be, and I think and believe is, the wish of all classes, and of none should it be more so than that of the clergy, for they will, most assuredly, find the landlords more formidable adversaries than the peasantry in the event of any dissatisfaction. Sir, without extinction, you will be rolling the stone of Sisyphus and find you have your task to begin over again when you imagined your labours were consummated and concluded. Sir, I am sensible Government have endeavoured to do a great deal in this *vexata questio* towards mutual satisfaction; but, as I think and have explained, that most important point still remains to be adjusted, I would prefer to see a more perfect Bill brought in next Session than an imperfect one now, more especially as, by the suggestion of my hon. and learned friend the member for Dublin, immediate inconvenience can be provided against without, in my mind, those apprehended results occurring which are dreaded by the right hon. Secretary for Ireland. I will, therefore, vote for postponement.

Mr. *Walker* regretted he was under the necessity of taking a different view from some of his Irish friends, and that he could not vote for the proposition of his learned friend, the member for Dublin, to postpone legislation on the tithe question to the next Session; his reason for not supporting that Motion was, not that he would not be well pleased to obtain a longer time for the consideration of so difficult a subject, but that the people of Ireland stood at this moment in a most dreadful position as regarded the existing law; he meant that Act which passed last Parliament, and the operation of which, unless some alteration was made before the close of the present Session, would commence on the first of next November. He had in the last Parliament resisted that law to his utmost; it was a most atrocious and tyrannical law; and he was now placed between a choice of evils, the certain operation of that Act, which he knew would produce destruction of life and property, or the proceeding with legislation at this advanced, and therefore inconvenient period of the Session; and he had no hesitation in choosing the lesser evil, for he felt, that any amendment in the existing law would be serviceable; but really the proposed extensive amendments he looked on as a boon, and therefore should vote for their being carried as soon as possible, they being neither more nor less than the repeal of a bad law. He had very great hopes, before the Bill had passed through Committee, that it would receive such additional alterations as would render it an immediate and extensive relief to the occupiers of the soil. The professed principle of this Bill was to relieve the occupier rather than the landlord, and therefore he was sure the Government could make no valid objection to extend this bonus to every occupier who might remain liable to the payment as well as to the landlord—he would wish to go further, and at once lay all payments upon the landlords in the first instance, with power only to recover from their tenants the reduced amount which they themselves had paid. The House might rely on it, unless it removed at once the occupiers from all collision with the collectors, unless they secured the full bonus in every instance to the tenants, and unless they also relieved them from the collection of the arrears, as recommended by the hon. and learned member for Dublin, they would cause a renewal of all the oppression, misery, and expense to the public, which had taken place during the last three years; but if they did assent to those alterations,—and he believed there was an inclination on the part of the present Government to do so,—he thought the Irish Members would be wrong to let the present opportunity pass for legislating on them, and run the risk of any change of circumstances which in a future Session might prevent them from obtaining such favourable terms. He also felt himself bound in justice to support the Government in carrying the amendments which they had conceded, as he was one of those Members most active in endeavouring to obtain them. The Irish Members had required from the Government three principal alterations in the original Bill; first, the expulsion of those clauses which vested the tithes in land, and appropriated it for ever to the use of the Church; secondly, a power of appeal, and review of the valuation in aggrieved parishes; thirdly, a reduction of the payments forty per cent, one-half of that per centage to be extinguished, and the other to be paid from the Consolidated Fund. Had those demands been conceded at once, it would have given great satisfaction; unfortunately they were delayed, and also were yielded in rather a complicated form; still, in spirit, and practically, they had been conceded; and that having been done, he would not feel himself justified in refusing his support to going into Committee upon the Bill, which was to enable the House to make those amendments in it.

Mr. *Ruthven* said, that the plan which his hon. and learned Colleague had propounded would remove the difficulties which impeded legislation on this subject, and was founded on a principle of conciliation, which, if acted upon, would produce the happiest effects in Ireland. The legislation upon this subject had hitherto been adapted solely with a view to meet the exigency of the moment, a system which could not be too much condemned. He thought that Church property was public property, and ought to be kept for public purposes, instead of being frittered away under the pretence of giving a boon to landlords.

Mr. *Shaw* could not support the Motion of the hon. and learned Member against going into Committee upon a Bill for the second reading of which he (Mr. Shaw) had already voted; for strange as the House might think it, after all the changing and shifting of the Government in their opinions and declarations on the subject, yet the Bill they were now about going into Committee upon was, in every letter of it, the very same as he had approved of, including the redemption and appropriation clauses; but, in Committee, as he understood, the Government were to abandon the only principle of that, their own Bill—namely, redemption, and substitute for it another and a totally different measure, the effect of which must be to prevent redemption. He could not but congratulate himself in having his opinion so fully justified as it had been that night by the statements of the right hon. Secretary for Ireland (Mr. Littleton), and of the noble Lord (Lord Althorp), with respect to the pernicious tendency of temporary grants to the clergy, in lieu of their regular and just resources. He need not remind the House how strongly he had deprecated such a course last year, as a violation of all principle, tending to the destruction of property, and to bring the law into contempt. To the repetition of any such temporising expedient as that, therefore, he would give his warmest opposition. The hon. and learned member for Dublin had entirely failed in endeavouring to charge the opposition to tithes in 1830 to the introduction of the composition system into Ireland. There was no relation of cause and effect between them; on the contrary, the Tithe Composition Acts had been working, and would have continued to work extremely well, so far as regarded the clergy and the people—but that did not answer the purpose of the political agitator, who, as was most justly stated in the able dispatch of the Lord-lieutenant of Ireland, recently laid on the Table of that House—was the true cause of that system of violence and outrage which peculiarly displayed itself in the organized and unlawful combination against tithe property; and the hon. member (Mr. O'Connell) himself would hardly deny, that political agitation was at its height in Ireland from 1824, the period of the introduction of the Composition Acts, to the year 1830, when the systematic opposition to the collection of tithe may be said to have commenced. Then from 1830 to 1832 the Government were ill-disposed, in the midst of the reform mania, to lay restraint upon any species of agitation or excitement. In the latter year the subject, however, forced itself on their attention, and they brought in an Act by which 60,000*l.* was advanced to the Irish clergy, and the tithe to be collected for the time by the Crown. He had often before stated, that great expense and delay had been incurred in consequence of the Government having, at the instance of the hon. member for Tipperary, expunged the provision enabling the clergy to recover costs. That, of course, proved a large bounty on litigation; but, notwithstanding, from an exercise of the powers vested in the Crown for the recovery of their debts, opposition had ultimately been overcome, and tithe was again being paid throughout almost every part of Ireland, when the noble Lord, the Chancellor of the Exchequer, was induced, by the influence of representations, made, as he had no doubt, for the purpose of keeping the question still unsettled, to make that unfortunate declaration against the further collection of tithes, which he was persuaded had been the principal cause of all the sufferings and misery which both the clergy and the country had since undergone. The hon. and learned Gentleman (Mr. O'Connell) had alluded to the conduct of some clergymen in the south of Ireland, in respect of proceedings for the recovery of their tithes. He maintained that, as a body, there never was a class of men who, under circumstances such as they had been placed in, had shown more exemplary conduct, patience, and forbearance, than the Irish clergy. He never contended, that they were above the ordinary infirmities of human nature; and if an individual clergyman, who might have witnessed his family bearing the severest privations, in consequence of an unlawful combination against his property, spoke in language somewhat warm and severe of those who were the cause of it, he could not blame him much. Still less could he blame the principle on which the hon. Member stated a certain clergyman to have acted, who, while he received but half of the debt due to him from an agent, wished all to be collected from the refractory tithe-payer. That was the same principle which the Government themselves admitted they were bound to act upon, in withholding a bounty from the wilful defaulter. But with respect to the case where the hon. Member (Mr. O'Connell) stated, that a clergyman had, upon a mere technicality of law, refused to allow a receipt which he had signed himself—all that he (Mr. Shaw) could say was, that he did not believe any such case had occurred; and that, if it had, he would be one of the first to condemn the clergyman who had so acted. Then the hon. member for Tipperary (Mr. Sheil) spoke with some harshness of clergymen proceeding in the Court of Exchequer for sums within the Local Civil Bill jurisdiction; but the truth was, it was impossible to recover those sums in the inferior courts, on account of the difficulty and danger of having their processes served. He would be as ready as any man to censure a harsh or vexatious proceeding against a poor man; but if the refusal to pay a just demand did not arise from any inability on the part of the debtor, but from a spirit of unlawful combination, and determination to resist the law to the uttermost, he was of opinion that it was then not only excusable, but justifiable and right, to resort to the most summary and effectual remedy the law would sanction in its own vindication, and to punish such a wilful defaulter. The right hon. Gentleman (Mr. Littleton) said, as to the question of redemption, that supposing they were agreed upon the principle—that the hon. and learned member for Dublin, and others would differ as much as ever upon the manner of redeeming. His answer to the right hon. Gentleman on that point was a very simple one—namely, that he proposed no plan of his own, but was content with the one which the Government had proposed, which was at that moment provided by their Bill, and for the abandonment of which they well deserved all the taunts that had been cast on them from all sides that night. The hon. member for Tipperary (Mr. Sheil) had justly observed, that the Government were not giving up redemption, because they thought it bad in principle; on the contrary, they approved of it. He would add, that not only did the Government approve of the principle, but they would not have had the least difficulty in carrying it into effect; for never was a Government backed by a more willing majority. The fact was, the whole object was to avoid the consequences which would result in their own Cabinet from the difference of opinion which, to that moment, still existed there on the subject of appropriation; and his Majesty's Ministers were willing then, as they had been on other recent occasions, to sacrifice principle, in order to avoid an inconvenience. Redemption was the whole principle of the Bill—it had been from the first its great object. The Bill was introduced for no other purpose. He had consented to the Bill, notwithstanding there were many objections to it—he had made every concession that it was possible, consistently with principle, to secure, under present difficulties, a fixed settlement of the question by redemption; he had for that purpose agreed to the provision, making over for a limited time the property of the Church to the Crown in the nature of a trustee, in order that the property might be restored to order, and revested in perpetuity in the Church; on that account, too, in consideration of the power of redemption on advantageous terms, and for that consideration alone, was the rent-charge making the landlords liable, admitted. But now the Government proposed to keep the form, and give up the substance—to abandon the principle of the measure, and retain the machinery which was to have served merely to carry that principle into operation. He objected to the landlord being rendered subject, and, without consideration, to a charge to which by law he not only was not liable, but had actually contracted against. He ridiculed the juggle, supposing a rent-charge was established, of having one rate for 1836 and another for 1839; in the one case allowing a bonus of 40 per cent, and in the other none. He deprecated the endless scene of litigation that would be opened by those clauses which overturned all compositions from the year 1824 to the present time, by allowing an appeal universally, where the parties in many cases were dead, and the evidence lost, and advancing public money, too, to promote these appeals. But his great and insuperable objection was vesting in the Government (not, as was originally proposed, for a limited time and a specific purpose, but permanently) the property of the Church, and for ever after making the clergy mere stipendiaries on the bounty of the Government. To that he would never consent; he should, therefore, resist the omission of the redemption clauses in Committee; and if he failed in that, he would find it his duty to vote against the third reading of the Bill.

The House divided on the Amendment:—Ayes 14; Noes 154: Majority 140.

List of the Ayes.

Attwood, T.
Blake, M. J.
Gillon, W. D.
Grattan, H.
Lynch, A. H.
O'Connell, D.
O'Connell, Maurice.
O'Connell, Morgan.
O'Connell, J.
O'Dwyer, A. C.
Roche, W.
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Vigors, N. A.
Waddy, C.

The House resolved itself into a Committee.

Clause, No. 1, was postponed; Clause, No. 2, was agreed to. On Clause No. 3 being proposed,

Mr. *O'Reilly* objected to the clause. Government could not collect tithes without the concurrence of the landlords. Many landlords would have no inducement to saddle themselves with the expense; and if they resisted, the Bill would be inoperative. The collectors should collect from several individuals in small fractions from each. In place of that it would be better, as most of the country was divided into townlands, to collect the whole from one occupier of the townland; and he thought the landlords who urged on their tenantry to abolish tithes, in order to increase their own rents, should not have the benefit of any relief rather than their tenants. In place of the tithe composition, a rent-charge should be levied on the landlords, which they should be compelled to pay, and the arrangement should be immediately made, not postponed till a future period.

Lord *Althorp* said, that it would be desirable to pass over the land-tax, and convert it into a rent-charge, if such a thing were practicable, inasmuch as the tenants would be at once relieved by such a proceeding. But there were great difficulties in the way of adopting such a course, and he thought it would be most unjust to compel the landlords to take the payment upon themselves at once. He hoped, however, the landlords would be induced to do so voluntarily, in consequence of the bonus held out to them to adopt the rent-charge voluntarily before November, 1836.

Mr. *Shaw* said, that the noble Lord had now opened one of the many inconsistencies in which the Bill would abound, when altered according to the new proposition of the Government. The land-tax and the rent-charge had both been introduced with a view to redemption; and now the principle of redemption, which was the very essence of the Bill, was to be abandoned by the Government. The object of a final settlement by redemption had alone induced him and the other friends of the Church in Ireland, to support the measure. If, however, the redemption clauses were omitted, then, even on the principle advocated by the Government themselves, the rent-charge should not be retained; for the Government had introduced the rent-charge solely with a view to carry the redemption, and putting the payment on the landlords of tithes to which they were not liable by law, was alone justified by the Government themselves on that ground.

Lord *Clements* said, that it would be much easier to collect the amount from the tenants, if it were made compulsory upon the landlords to take the payment upon themselves at once. He, therefore, thought, that for the sake of the landlords themselves, the clause ought to be made compulsory at once. Another inducement to do so was this, that every parish in Ireland would then be under the same system.

Mr. *Sheil* concurred with the noble Lord.

Mr. *Littleton* said, that he feared, that if the rent-charge were forced upon the landlords, their resistance to it would be general; and he never could consent to the abandonment of the Land-tax, or to putting the rent-charge upon the landlords, until the law had been vindicated, and the property secured by the Government collecting the tithe, and obliging the tithe-payer to become amenable to the law, otherwise it would be unreasonable to expect that the landlord could ever collect it from his tenant.

Sir *Robert Peel* said, that he very much doubted, that when the House had got through this Bill, so far from settling the tithe question, they would have only passed one of the most complicated and mischievous measures that had ever passed that House; and so far from the question being settled, new elements of strife would be afforded by it. The occupying tenant would soon find out that there was no difference between Land-tax, rent-charge, and tithe-composition, except that the impost proposed to be levied upon him now would be higher than when levied upon him by the landlord, than when it bore the name of tithe.

Clause postponed.

The House resumed. Committee to sit again.

Excise Acts.] The House resolved into a Committee on the Excise Acts, when it was resolved, that all duties on Starch and Stone Bottles should cease and determine. On a Resolution being proposed to the effect that the present duties on spirits in Ireland should be lowered,

Captain *Gordon* moved the insertion of the word "Scotland," in the Resolution proposed by the noble Lord, the Chancellor of the Exchequer, in reducing the duties on spirits, in order to place the distillers of Scotland on the same footing as the distillers of Ireland.

Mr. *Gillon* seconded the Amendment, as being calculated to confer a boon upon Scotland.

The *Lord Advocate* opposed the Amendment, as being contrary to the feelings of the people of Scotland, and calculated to increase smuggling in that country.

The Committee divided on the Amendment—Ayes 9; Noes 36: Majority 27.

The Resolutions were agreed to, and the House resumed.

Trades' Unions.] Mr. *Rotch* rose to submit his Motion for leave to bring in a Bill "to protect from the domineering and often cruel interference of Trades' Unions, the rights and privileges of those of the working classes who are not inclined to join such Associations."

An Hon. Member moved, that the House be counted, when forty Members not being present, the House adjourned.

HOUSE OF LORDS,
Wednesday, July 30, 1834.

Minutes.] Bills. The Royal Assent was given by Commission to the following Bills:—Disturbances' Suppression (Ireland); Quare Impedit Actions; Friendly Societies; Ministers (Scotland); Stannaries Court (Cornwall); and five Private Bills.—Read a second time:—Valuation of Counties in Ireland; Highways; Weights and Measures; Merchant Seamen's; Lancaster Court of Common Pleas.—Read a third time:—Justices of the Peace (Scilly Islands); Newspaper Postage.

Petitions presented. By the Earl of Clarendon, from Rickmansworth, against the Universities' Admission Bill.

HOUSE OF COMMONS,
Wednesday, July 30, 1834.

Minutes.] New Writ ordered. For Cirencester in the room of Lord Apsley, now Earl Bathurst.

Bills. Read a third time:—Excise Revenue Management; Trading Companies; Insolvent Debtors (India).—Read a first time:—Tithes Stay of Suits.

Petitions presented. By Mr. Hawes, from March (Isle of Ely), for Protection from Incendiary Fires.—By the Earl of Lincoln, and Mr. Vernon, from several Places,—for Protection to the Church of England.—By Sir Robert Inglis, from East Woodbury, against the Universities Admission Bill; from the Clergy of Dorsetshire, against the Tithes' Commutation Bill; from South Carlton, against the Claims of the Dissenters.—By Mr. Ewart, from the Quakers of Liverpool, against a Clause in the Church-Rates Bill.—By Mr. Lefroy, from several Places, for Protection to the Protestant Church in Ireland.—By Mr. Gillon, from Montrose, against the payment of the Annuity Tax.—By Sir Robert Inglis, Messrs. Mostyn, Mildmay, and Estcourt, from a Number of Places,—for Protection to the Church of England.

Commissioners of Customs.] Mr. *Patrick M. Stewart* presented a Petition from certain Commissioners of Customs, complaining of a reduction of 200*l.* per annum which had been made in their salaries, and praying the House to take the subject into consideration. By a Treasury minute of April, 1831, certain reductions were effected in the expenditure of the Custom-house, amounting to 31,500*l.* per annum. Every person officially connected with that Establishment was affected by these reductions; but a second Treasury minute of February, 1833, rendered the reductions prospective, with the exception only of the cases of the petitioners, with regard to whom its operation was immediate. They, therefore, prayed that they might be put on the same footing with the other persons connected with the same department. He trusted the House would not do what he must term a species of injustice for the purpose of effecting so paltry a saving as 1,200*l.* per annum.

Lord *Althorp* considered it a most extraordinary and unusual proceeding that persons holding situations under the Crown in a Board of this nature should have thought fit to call upon that House for an increase of their salaries. It was necessary he should defend himself against the charge of unfairness the petitioners had made against the Government. He had effected these reductions because he felt it to be his duty as a Minister of the Crown to redeem the pledge which had been given to the country by him and his colleagues on their accepting office that they would endeavour, as far as would be consistent with the welfare of the public service, to make every possible reduction in the public expenditure. Upon his accepting office he found the salaries of the principal officers of Customs and Excise to be 1,400*l.* per annum, and conceiving 1,200*l.* to be an adequate remuneration for the duties they were called upon to perform, and being supported in this view of the case by the opinion of the right hon. Gentleman who preceded him, he felt it his duty to the public to make the reduction. The only question that arose was, whether these reductions should be prospective, thereby putting off the relief to the country to an indefinite period, or whether the principle should be immediately applied. It had been originally applied to the whole department immediately, but in consequence of representations made to him that it would be impolitic to excite dissatisfaction in those who were engaged in the collection of the public revenue by an immediate reduction of their salaries, he had been induced to make it prospective with regard to them, but he thought in the case of the petitioners there was good ground for an immediate application of the principle. He did not think the country was bound to pay more than what was a most ample equivalent for the duties performed. He admitted, the usual course would be to give these individuals superannuation, and this was tendered to them, and was accepted by the officers of Excise, but as the petitioners refused to accept the superannuation, they ought to be satisfied with the reduced salary. For his own part, he must say, he thought in the present state of the country 1,200*l.* per annum was a most liberal remuneration for the duties these individuals performed; but if the House thought the salaries should be increased, he would bend to its decision. If he were left to the exercise of his own judgment, he should consider he was dealing justice to all parties by suffering them to remain as they were.

Sir *Robert Inglis* concurred in the opinion of the noble Lord, that it was very improper to present a petition of that description to the House; it should certainly have been presented to the head of the department. He differed from the noble Lord, in thinking it politic to put up the salaries of public officers to the lowest tender, and hoped, that such republican doctrines would be scouted by the House. As these individuals had accepted office, and had married and made their other domestic arrangements, on the faith of receiving a salary of 1,400*l.* per annum, he considered it an act of great injustice to reduce their salaries by one-seventh, particularly when it was stated, that their duties had been increased, and that no charge of any kind had been made against them.

Lord *Ebrington* thought, that a salary of 1,200*l.* per annum was quite sufficient for the duties the Commissioners had to perform. This, however, was not now the question. The question was, whether these offices were not, by invariable custom, almost tantamount to legal right, given for the lives, or at least during the good conduct, of the holders; and if such were the case, he did not think it fair, that any reduction should have taken place in the salaries of those who now held them. If the country and the Government thought, that the emoluments were too great, it was undoubtedly their right and their duty to make what reductions they thought proper in all future appointments; but disliking as he did every thing like retrospective legislation, he could not help expressing his hope, that the Chancellor of the Exchequer would reconsider the present arrangement, and postpone the saving which he had so properly decided on effecting in these offices, till after the interests of the existing Commissioners should expire.

Sir *Henry Willoughby* supported the petition, contending that, upon principles of true economy, these reductions ought not to have taken place.

Sir *Charles Burrell* thought a great deal too much tenderness was exhibited on this occasion towards the Commissioners of Customs, and when the House considered the difference in the value of money, it would be evident that these persons were better off with a salary of 1,200*l.* a-year than those who formerly enjoyed salaries of 1,800*l.* a-year.

Mr. *Ridley Colborne* considered this one of those cases which might very fairly be taken into consideration, though he certainly disapproved of making the House the arbiter in matters of this sort. The increased duties of these Commissioners gave them a claim to the full salary.

Mr. *Francis Baring* defended the Government in reducing the salaries of those who occupied the superior offices in the public establishments: he was rather surprised at the sympathy which had been manifested on behalf of the petitioners, when no objections had been made to the reductions which had taken place in the wages of the workmen employed in the dock yards and other great Government establishments.

Mr. *Goulburn* considered it highly objectionable, that any individuals holding office under the Crown should have petitioned the Legislature on the subject of the salary paid to them, and almost induced him to recommend that the petition should be withdrawn. He admitted, his concurrence with the noble Lord (Lord Althorp) on the principles of reduction with reference to the salaries of public officers; but while he advocated the right of the Government to deal with such offices as those held by the petitioners, he was bound in justice to them to declare, that all reductions he contemplated were to be of a prospective nature. He, therefore, while he admitted that the case had been irregularly brought before the House, thought the case of the petitioners deserved the consideration of the Government.

Mr. *Denison* thought, that every labourer was worthy of his hire. These Commissioners had been hired at a certain salary, and that he thought they ought to receive.

Mr. *Hume* could not conceive anything more mischievous than allowing the interposition of the House in questions of this sort. The simple case the House was called upon to decide was, whether the Legislature or the Executive should decide what salaries were to be given to the servants of the public. He had opposed the opinions entertained by Mr. Canning on this subject, and contended the House did not possess the right to interfere. The principle he maintained was, that the same spirit of reduction should be applied to the higher class of public servants that was exercised with reference to the lower. He could see no reason why a distinction should be made between the salaries of those who received 5*s.* and of those who received 5*l.* The House had appeared on former occasions inclined to entertain the propositions he had offered on this subject; and if so, how could they listen to the complaints of men who conceived 1,200*l.* a-year an inadequate salary.

Mr. *Baring* hoped the House would not forget the principle laid down by the hon. member for Middlesex, that an application to that House for money was not a constitutional proceeding, and that it was calculated to be productive of mischief, as he conceived the hon. Member must have been rather forgetful of the principle when he made an application to the House for money on a former occasion. He thought the case of the petitioners a very hard one, as a great deal of personal inconvenience and distress must be occasioned to any individuals whose salary of 1,400*l.* was subject to a reduction of so large an amount as 200*l.*

Mr. *Hume* said, the hon. Member frequently indulged in insinuations against him, but if he had any direct charge to make against him, why did he not openly state it?

Mr. *Baring* alluded to the case of Mr. Marshall.

Mr. *Hume* had nothing further to do with the case than that being a member of the Committee he concurred in the propriety of the grant. That case, however, was evidently different from the present. Mr. Marshall was not a servant of the public.

Mr. *Patrick M. Stewart* was not aware of the informality of presenting a petition of that nature to the House; but having discharged his duty in bringing the subject under the notice of the Government, he should beg leave to withdraw the petition, and leave the matter to the serious attention of the noble Lord and the Government.

Petition withdrawn.

TITHES (IRELAND).] The House went into Committee on the Tithes (Ireland) Bill. The consideration of clause 3 was resumed.

Mr. *O'Connell* said, by the present clause the King was sunk into the condition of the owner and levyer of the tithes of Ireland, and the duty of collecting them was paid for by the law officer of the Crown, and the expense of the collection fell on the people. He objected to the clause because it placed the King in hostility with the people; and the declaration that tithes should be paid was a declaration of war against the people, for they would have to compel the payment by force of arms. When 60,000*l.* of arrears of tithe lately due to the Crown had to be collected, Lord Anglesey declared, that he would collect it to the last farthing with the whole force of the British crown. What followed? That declaration raised a general spirit of resistance. In the neighbourhood with which he was connected, for instance, it rose to insurrection; the peasantry and the troops came into collision, and several lives were lost; and what was the final consequence? Why, the 60,000*l.* was abandoned. When the House was called on to incur the responsibility of paying the amount of tithes, would it be prepared to make good the payment, and hand over till the 1st of November an Exchequer bill to each claimant for his amount? There were two things the House should consider—first, the amount proposed to be raised; and secondly, those from whom it was to be raised. Now, the great source of the popular discontent in Ireland was the levying of tithes to the full amount, and from the poor; and if the Government now pursued the same course, instead of tranquillizing the country, they would raise a civil war there, while at the same time they would embarrass the public funds. The Government offered an appeasing bonus to the rich. But it was not from the rich but from the poor hostility was to be apprehended. The plan of the noble Lord was, to levy the full amount, and the Government said, that so pressing was the necessity for pacifying Ireland, that they could not wait till next Session. But let the House consider their process of pacification. They proposed to levy the full amount, against which the people cried out and stood out, and levy it on the very persons who made resistance. Surely if they hoped to pacify the country, they would not still call into existence the same causes of disturbance, but would rather change the amount and the persons who should be forced to pay, or at all events postpone the measure to another time. But in place of doing either of these things they rushed on in the old course, which would only be a revival and aggravation of former discontent and disturbance. Was there ever such inconsistency? That might indeed be called a blundering Irish mode of legislation. He would propose to take the burthen off the poor occupiers, and place it on the landlords, and also diminish the amount. With that he should commence. He would make it compulsory on the landlords immediately to make the payments. The present plan of Government showed a foolish sort of cunning in laying traps and holding out baits to the landlords. It was not wisdom, for wisdom was open and straightforward, and did not resort to by-ways. They should rather court the people and mitigate their sufferings; but in place of that, they said they would call out the King's troops to collect the present amount. But they would fail in obtaining the co-operation of the landlords, for many landlords could not enter into the composition. Some were abroad, some were minors, some were lunatics. Besides, many of them were embarrassed in a pecuniary sense; all these could not accede to the proposed terms. Not long ago nine-tenths of the property of Connaught was mortgaged; he believed much of it was so at present; and when the landlords were embarrassed, the tenantry, it could not be expected, should be in the most prosperous state. He recollected Lord Redesdale saying once in a Connaught case, that it was monstrous that a tenant should delay the payment of his rent three months; he should be prepared with a cheque to the very day. There was not a Connaught man in court who did not burst into a fit of laughter in his face. In fact the landlords who wanted the bonus most could not from their embarrassments receive it. The Bill, he would affirm, could not be carried into operation, for it afforded no relief to the people, though the Government were foolish enough to fancy they could tame the people into submission by throwing salt on the tails of the Irish landlords. He repeated, then, that he would immediately make it compulsory on the landlords. Nothing could be more unwise than to leave the people to pay the tithes, and to call out the troops, and array them against the whole body of the people. They should avoid exhibiting the military in contrast with the people. There were 11,000 persons in Ireland, each of whom paid tithes not exceeding one shilling each. Would it not be ludicrous to send out an armed force to levy these sums? When it was proposed in Rome to put on the slaves a particular dress, the proposal was rejected, and the reason was, *Ne servi nos numerare possent.* The different modes of rating parishes was not the least objectionable part of the Bill; in one parish there was one mode; in another, another mode. In one parish one man took the payment on himself, and paid sixty per cent; in another, he refused, and was assessed to the full amount. All these things would be known in Ireland though they might not be fully reported in that House; indeed he was not much surprised at that, for it was not one reporter in ten that understood those details of law. Besides, the subject might not be very interesting to the British public, though it was vitally important to the British Government and the Irish people. He would propose, that in place of all the tithes now claimed under the composition, there should be substituted three-fifths of the whole amount, and that this sum should, in place of being laid on those named in the clause, be laid on those hereafter mentioned. That would give an immediate bonus of forty per cent to all, and everybody would understand it. To pay only 12*s.* in the pound would undoubtedly be a relief to the Irish slaves, at which they would rejoice. Oh! would those white slaves were blacks! If they were, then would the House lend them its warmest sympathy—then would the hon. member for Weymouth appear in his place, large as life, crying out against the sufferings of the Irish blacks, and proposing to grant the poor negroes twenty millions. He therefore had no doubt that if it should be necessary to grant a small sum to carry his plan into effect, that the Commons would readily grant it. England owed a large debt to Ireland for seven centuries of oppression, and she should now think of doing her justice. The hon. Member then moved a resolution to the effect stated in his speech.

Mr. *Littleton* repeated the reasons he had so often before advanced in favour of fixing the period for the establishment of a compulsory rent-charge at six years. He had no apprehension that the Government would be unable to levy the tax. The proposition of the hon. and learned Member involved too important a principle to be discussed without formal notice, and therefore he suggested that it should be withdrawn for the present, and on a formal notice discussed on bringing up the Report. His own impression was unfavourable; but if it should appear that making the rent-charge compulsory at once would be more satisfactory to the Irish landlords, he, on the part of the Government, saw no objection to such a course. At the same time he could not pledge the Government.

Lord *Clements* thought nothing could be worse than the footing upon which the right hon. Secretary for Ireland was ready to put the question. It was the good of the whole of the people, and not of the landlords only, that they had to consult. The question had been long before the House, and might at once be dealt with. He also thought the right hon. Secretary was wrong in his expectation that the Government would be able to collect the land-tax. He was decidedly favourable to charging the landlord at once.

Mr. *O'Grady* concurred with the noble Lord, but thought the landlords of Ireland knew their own interest too well to dissent from the plan proposed.

Sir *Edmund Hayes* could by no means agree with the noble Lord who had just spoken, in recommending that the rent charge should at once be made compulsory on the landlords. It would be most unjust in them to do that till the property in tithe was established and secure. Such a course appeared to him most arbitrary and unjust towards the landlords, and at the same time he feared would endanger the property of the Church; because it was calculated to obstruct instead of producing that co-operation and acquiescence on the part of the landlords, which all admitted to be so desirable, if not necessary, for the satisfactory settlement of this question. The Secretary for Ireland was quite right when he said, that a value and consistency must be given to tithe property by the intervention of the power of the Crown, before he could expect that landlords, in justice, should be compelled to bear the rent charge. It must surely be recollected, that the combination and spirit of fierce hostility organized by the member for Dublin was not dead—it only slept because no demand for payment had been made; all the materials for that resistance which already had been the cause of so many difficulties, were still in existence, and could be called into active operation the moment it suited the purpose of those who had already stimulated it. How, then, with any semblance of fair dealing, could the landlords be compelled to bear this charge, before the Government had insisted on the fulfilment of the law, and restored some confidence to the owners of property, especially if it were proposed to place upon them the burthen of the arrears also. The member for Limerick said, that it was only a question of time, because in the year 1839 the Bill would make it compulsory. Undoubtedly, that was true; but the interval of time made a material difference. Long before that time elapsed, something must be done to settle this question permanently—either such an appropriation must be made as to satisfy those who called for a different one, and thus render it more easy to collect the money; or else the Government would have at length discovered that they could concede no further—that concession did not stop demands—that the opponents of the law must be vigorously put down—and then the landlords might, without so much risk and inconvenience, take upon themselves the payment of the charge. He hoped that the Government would not yield this matter, and for his part he would certainly oppose the amendment.

Mr. *Walker* hoped the Government would adopt the suggestion of the hon. and learned member for Dublin, and by doing so give peace to Ireland.

Mr. *Secretary Rice* considered the proposition as one of great importance, and one, too, in furtherance of the principle of the Bill. Indeed in all measures since 1832 it appeared to have been more or less the object to throw on the landlord the payment of tithes to the relief of the occupying tenant. The present proposition, however, went further than that, and had due notice been given of it, he should have been ready to entertain it. He thought, however, that notice ought to be given of a matter of so much importance. He was certainly favourable to the principle, and he thought it ought to be finally adopted; but still no person ought to be left able to say, that he had been taken by surprise.

Sir *Robert Peel* quite agreed, that there could not be a subject better worthy of consideration than that of the means by which they could best charge the landlord in Ireland with the payment of the tithes to the release of the occupying tenant. At the same time he felt great objection to their attempting to decide upon such an important question at that extremely late period of the Session. It could not be denied, that the good will of the landlords was most essential, and, unless the Legislature had their good will, it would be impossible to make the alteration a benefit. For the change to be efficacious too, the provision must be compulsory; and then came the question how could they with justice or with propriety impose such a responsibility on the landlord, without giving him any notice of their intentions. He did not believe that there were at present a sufficient number of Irish landlords in the metropolis to form a fair representation of the general feeling of that body. He threw out these remarks merely as suggestions. But if the proposition were resolved upon, something must, in justice to the landlords, be done by Government with reference to the arrears. There had now been two years of intermission in the collection of tithes in Ireland; and, however the question might now be shrunk from, the time must come when the law must be vindicated. The proposition now with respect to arrears was that two-fifths should be cancelled. But would the persons owing 1*s*. be content to pay 8*d*. or 9*d*., because, by passive resistance they had a portion of the debt remitted? The hon. and learned member for Dublin had asked, "What! would they call out the military to collect 1*s*.?" But he would ask the hon. and learned Member, What! would he call out the military to collect

8*d.*? The time must come when the Government would have to vindicate the law; and the law must be vindicated before there could be any just and satisfactory settlement of the question. He decidedly thought, that it was for the benefit of all parties concerned that the landlord should take upon himself the payment of tithe to the release of the occupying tenant; but he would also take good care to encourage as much as possible the principle of redemption. That appeared to him the just and best, or only way of really settling the question. He did not, however, think, that after the Session they had had, they could hope to consider with any good effect a Bill for such an object in the month of August. At present the vindication of the law ought to be the first object, and when they had taught persons who had refused a legal payment that the law was paramount, then they might well call upon the landlord to take the part which would at once be beneficial to the community and himself. At the same time he must say, that he despaired of the question being settled satisfactorily by any scheme in which redemption was not included; and still more he despaired of being able to come to any setttlement of the question while the great majority of Irish landlords were out of town.

Mr. *O'Connell* said, he had been mistaken by the right hon. Baronet upon one or two points. He had not pressed his plan hastily upon Government—on the contrary, he had proposed it on the 2nd or 3rd of May, and some observations had been made upon it in another place. But to come to the point under discussion, let them simplify the machinery of the present Bill, by the adoption of his amendment. Instead of extending the operation of the Bill to 1839, let Ministers come fairly forward and meet him and those who thought with him, and the whole measure would pass the House in the two next sittings. It had been urged, that the property of Ireland was for the most part Protestant property, and the Protestant landlords or their representatives ought to be consulted upon a measure of this kind. So they ought. But why were they not there to be consulted? Why were they not present to deliberate upon a measure calculated to afford relief both to themselves and their tenantry? He wished not to say a word between Catholic and Protestant landlords beyond this, that, from all that he had known and heard, he believed that Protestant landlords behaved generally better to their tenants than Catholic landlords. He would, in conclusion, press upon Government the necessity of adopting his amendment; or, if they were determined to carry their own, to make the measure at once compulsory upon the landlords. They might be at first a little frightened at the raising of the flag; but let it be once firmly fixed, they would support it with firmness and decision. They would do so the more willingly, because they would feel that, in acting in obedience to the law, they were advancing alike their own interests and those of their tenantry.

Mr. *Littleton* denied the assertion made by his right hon. friend, the member for Tamworth (Sir Robert Peel), and called upon him to show any case in which assistance was called for in aid of the collection of tithes, where it was refused by the Government; whenever it was found that tithes could not be collected without force, force was supplied, but in no other instances.

Mr. *Shaw* could not assent to the statement of the right hon. Gentleman, that the Government had supported tithe property as they ought. However, that question he would not argue then. No person could be more friendly to the principle of the burthen of the tithe being transferred from the occupying tenant to the landlord than he was, and he had supported all the measures for that purpose which had been introduced by the late right hon. Secretary for the Colonies. All he maintained was, that, until the authority of the law was restored by the collection of tithes, the necessity of which had been so strongly stated by the right hon. the Secretary for Ireland, the landlords could not consent to take the payment upon themselves. Besides, the landlords of Ireland were not generally in those very affluent circumstances, to be able to meet an unexpected payment of this nature on the first of November next. It would fall, too, most heavily upon the fair and the just landlord, who did not place upon his tenant a nominal rent higher than he was able to pay. The redemption, which was now to be abandoned, would have been the inducement to the landlords to take upon themselves the payment of the tithe. He was very desirous scrupulously to guard against that which, perhaps, many Irish Members in that House would be happy to promote—namely, a collision of interest between the Irish landlords and the clergy of the Established Church in that country. The uncertain state of the public mind on this whole question of tithe, induced by the conduct of the Government for the last three years, was the greatest bar to the satisfactory settlement of the question; and the very offer of an unreasonably large bonus had a tendency to throw suspicion upon the security and permanency of any arrangement that might be proposed.

Lord *Althorp* said, the right hon. member for Tamworth was mistaken if he supposed that Ministers were not anxious to extend the most immediate and effective relief to the tenantry of Ireland; but, in looking to and considering that part of the case, they felt that they had no right—that, indeed, they would not be justified in throwing at once a burthen upon the Irish landlords, which they might be found unwilling to bear. He thought, after the opinions expressed by the hon. member for Leitrim, the hon. and learned member for Dublin, and other hon. Gentlemen, who did not generally act with Government, that this was a decided point. He would say, in answer to the observations of the hon. and learned member for Dublin this evening, that the question of making the measure at once compulsory upon the landlords had been seriously considered by himself and his colleagues, and the result of their consideration was, that they had no right to impose at once such a compulsory measure upon them, but that it would be better to give them, up to a certain period, an optional chance of collecting tithes, three-fifths of the amount of which they would only be responsible for. However desirable the other course might be, it would be the grossest injustice to put it in force against the Irish landlords—an injustice of which they would have a right to complain, and the more so because such a measure, instead of producing good, would do general injury to that country. Before this burthen could be laid upon the landlord, or, in other words, before he could fairly see his own interest in co-operating in support of the measure, it was necessary to let him know that the property was protected by law, and could be collected, and this once done, it would not, he thought, be necessary to go to the full distance of time contemplated by this Bill. But surely it was but fair and just that the landlords should be allowed time to see their way before they came in and acted in accordance with a Bill which, upon inquiry, they would find to be to their own advantage.

Mr. *Perrin* was of opinion that the measure ought to be made compulsory upon the landlords, when it gave to them the power of levying 100*l.* where 60*l.* only was to be returned.

Mr. *Sheil* said, it was not likely that they should, at the present late period of the Session get the opinions of the Irish landlords generally on this question; but there yet remained a sufficient number from the north, south, east and west, to give a pretty accurate opinion as to what the feelings of Irish landlords were upon the subject. The whole of the Bill was founded on the assumption of the right to enforce the tithe against the tenant. They proceeded against the tenant first; and if they failed, then the landlord was rendered liable. That was the fairer course. But here it was proposed to make the landlord a collector of tithes—a voluntary collector. Was not that the case? Was not that the overt argument of those who supported this Bill? But let the Committee look for a moment to the other side of the question; let them consider what the case would be if the tenant, when asked by his landlord for tithe, turned and said, "I owe you no tithe; you have no right to claim any from me; you have voluntarily placed yourself in the situation of a collector of tithes, and you must take the consequences. If the Government had passed a law to compel you to do this, I would at once feel that your demand was right, and I would try and pay it; but as you have taken the thing upon yourself, I will not pay you." Now would not this argument be at once done away with if the Bill made it compulsory on the landlord to collect the tithe? But how could such a measure be passed at so late a period of the Session? The only remedy proposed was contained in the Amendment of his hon. and learned friend, the member for Dublin, in which he fully and most cordially concurred. The question was, ought the land to pay or not? If it ought to pay now, nothing could interfere with the right of payment five years hence. The whole Bill was, in fact, founded on a case of exigency, and that case was, that, because they found it impossible to raise the tithes from the tenants much longer, they were determined to come upon the landlords. He objected to the Act altogether; but if it must be passed, he thought it should at once be made compulsory on the landlords; by doing this they would get rid of much of the complicated machinery of the Bill, and in that shape it might be passed by to morrow-night.

Mr. *Anthony Lefroy* said, that though the hon. and learned member for Tipperary had amused the House by a supposed dialogue between an Irish landlord and his tenant, yet he had said nothing to change his opinion, which entirely coincided with what had fallen from his right hon. friend the member for Tamworth, that landlords should, at least, have an opportunity to consider the effects of the proposed measure before it was forced upon them; he, therefore, felt much satisfaction that the noble Lord (the Chancellor of the Exchequer) had in so decided a way expressed his determination to adhere to the proposal of leaving the redemption optional till the year 1839. With respect to the speech of the hon. and learned member for Dublin, he considered that the hon. and learned Member either was now obliged to admit that which he had so often denied—that the right to tithe was as just as to any other property, and, therefore, that he wished to place its whole burthen upon the landlord; or else, whilst he professed to protect that property, he was really endeavouring to annihilate it, by proposing that the landlords should become subject to it—when, under present circumstances, they did not possess the means of reimbursing themselves—and, therefore, it must be lost to the Church; for it could not be maintained, that the landlord was to be at the entire loss, even in cases where leases were made, subjecting to the tithe. He must protest against the proposition of the hon. and learned Member, that the landlord should have such a responsibility fixed upon him without time for consideration, and this at a moment when the principal Irish landed proprietors were absent—at all events, till the Government had proved that the laws would be vindicated in the recovery of tithe property. He did not mean by calling out the military, but by such constitutional means as would be adopted for the protection and recovery of any other description of property. With reference to the assertion of the right hon. Gentleman, the Secretary for Ireland, "that the Government had in all cases afforded assistance when applied for," he did not wish to deny it—but it was right to state that which he himself was an eye witness of; a case where the Government had given aid, and with the best effect; but, unfortunately, at the moment when the opposition was overcome, and the tithes were paying, the noble Lord, the Chancellor of the Exchequer, had made use of the expression, that "tithe was done away with;" the very day that this news reached Ireland, the aid which had been given, with so good effect, was withdrawn by the Government, and the speech of the noble Lord was announced by the bellman through the market town. The consequence was, that from that moment all payment ceased, and the opposition became as determined as before. He (Mr. Anthony Lefroy) had already expressed in the House his opinion, that the discontent which existed in Ireland respecting tithe should be put an end to, as much as possible, by landlords taking the burthen upon themselves, and this even at the risk of much loss; but he maintained that it was unjust and unreasonable that they should not be allowed time for consideration, before they were placed in the invidious position of tithe-proctors, and this at a period when the Government had permitted the laws to be violated with impunity.

Mr. *Abercromby* said, that whatever had been done, had had for its object to convince the Irish landlord of the interest which he had in supporting this measure, and to obtain his approval of it; but there was another and very material party to consult—namely, the Irish people. It was clear to all, that the value of this tithe property had been shaken in Ireland by recent events; and the object of the proposed law was to restore that property to its fair and just value—and that, too, within the shortest possible period of time, and with the smallest expense. He was one who, to use a word in common parlance, was most anxious to "vindicate the law;" but, whilst he entertained this feeling, he thought something ought to be done to conciliate the people. What was proposed by the present Bill? Why, that the landlords might, within two years, take the responsibility of collecting tithes with a bonus of forty per cent; a sum so large, that no compulsory act could be needed to induce them to adopt it. He would say, with every respect for the gentry of Ireland, that the landlords of that country must have minds differently constituted from those of gentlemen of other countries, if they abstained from availing themselves of such an offer. But to do this at once—that was, to make it compulsory upon them to take immediately that responsibility upon themselves—would be unfair. It was, indeed, urged that the tenant would not pay. [Mr. *O'Connell* said, that his hon. and learned friend (Mr. Sheil) said, that the tenant would not pay unless the law was compulsory on the landlord.] He was sorry if he had misunderstood the hon. and learned member for Tipperary.

Mr. *Sheil* certainly had been misunderstood by the right hon. Gentleman. The observation he had made in support of a compulsory measure was—that otherwise the tenants would turn round upon the landlord, and say, " this is merely a voluntary act of your's, by which we are not bound, and you must take the consequences."

Mr. *Abercromby* thought no answer had yet been given to the argument—the fact, he would call it—that if by this measure forty per cent was to be divided as a saving between landlord and tenant (and it was a mistake to suppose that the tenant would not participate in the benefit), any opposition would be offered by either the one party or the other.

Lord *Clements* would vindicate the majesty of the laws if he knew how to do it. He considered this boon of great value to Ireland, and as such he would support this Bill in its integrity.

Mr. *Callaghan* said, he would make nothing compulsory either upon landlords or tenants. He was sure that the people of Ireland would never pay tithes as tithes. He believed the Irish landlords were prepared for this change, and he thought that delay upon this question would be injurious and unjust. He was in favour of making the landlords pay a portion of the tithes, and he believed the landlords would pay a fair share in the commutation of tithes. He had tried a public meeting upon the adjustment of tithes, and had failed; so had the hon. member for Tipperary (Mr. Sheil), and he had failed; and hence he argued that some measure like the present was absolutely necessary to promote the peace and tranquillity of Ireland. He was a receiver of tithes as well as a payer. He thanked the Government for their assistance; but this he would say, that in honesty he would not delay the measure. If the tithe was reduced in amount he thought it would be paid by the peasantry.

Mr. *Lefroy* said, that if he concurred with the noble Lord, the member for the county of Leitrim, (Lord Clements), that the great body of the landlords of Ireland were satisfied with the proposal, and were ready to accede to it, he should concur in its adoption—and this would supersede the necessity of arguing the reasonableness of the proposition. But as a great difference of opinion existed amongst the Irish landlords who were present, it was not too much to infer that those who were absent differed in the same proposition—he was, therefore, driven to argue the reasonableness of the measure itself, and this he was also disposed to think was the wisest ground upon which to legislate. Now, as to the reasonableness of imposing this tax, in the first instance, upon the landlords, he would beg to ask, what gave rise to the necessity of this Bill? What but the difficulty that existed of collecting the tithes for the last two or three years? The tithes during that period were actually in abeyance. The question then was, as to the reasonableness of making the landlords amenable for the payment, whilst the right of collecting might be said to be actually in abeyance, by the suspension and desuetude of payment. He thought it, therefore, most unreasonable to throw this burthen upon the landlords, until a levy of tithe had been made and the law vindicated. If a person were about to purchase an estate, and he was told that the tenants owed a large arrear—that they had not in fact paid any rent for two or three years—that they resisted the payment—would not that materially affect the value of the purchase, and even the desirableness of the purchase itself? The question was not whether the landlords were to be left the option of finally taking upon themselves the payment, but whether they were to be compelled forthwith to take the payment on themselves. Another ground he would beg to urge to show the unreasonableness of the proposition was this, that there was an arrear of three years' tithes due throughout a great portion of Ireland. Now every Irish landlord was aware how much the difficulty of collecting the accruing rent was increased, if an arrear happened to be due; and yet the Amendment of the hon. and learned member for Dublin went to the extent of compelling the landlords to take upon themselves not only the accruing tithe, but the arrear of three years, which must be wiped off in five years. What further made it unreasonable was, that the landlord was to receive no compensation for the risk and expense he incurred in taking upon himself the payment. He was obliged to allow the full deduction to his tenant, without any allowance for the expense of collecting; he was not even to be allowed receiver's fees, or whatever sum he might be obliged to pay his own agent. Under these circumstances, he considered it an act of the grossest oppression to compel the landlords to take the payment upon themselves at once. It was said, that the landlords would have the power of recovering the amount along with the rent, by the process of ejectment. But what would be the condition of the landlord if his immediate tenant had let the land, as was too frequently the case in Ireland, to a number of poor cottier tenants? If the immediate tenant only were to be put out, there would be little difficulty in the case; but to render the remedy available to the landlord, he must turn out a large number of poor, wretched, cottier tenants; he would have to bear the odium consequent upon this proceeding; and the consequence would be, that a clamour would be raised, not merely against tithe, but against rent. When, therefore, hon. Members told the House that there would be no difficulty in the case, they spoke in a way calculated to mislead the House, or, in forgetfulness of the fact, that the immediate tenant might not be, nor, in nine cases out of ten, would be, the only person to whom the landlord would have to look for the purpose of enforcing payment. Let the Bill remain as it was, giving the landlords time to look about them, affording them an opportunity of judging, in each instance, whether it were safe for them at once to enter into an arrangement with their tenants. If it were, they must be willing to do so, from the *bonus* offered: but if not, why should they be forced to take upon themselves the duties of the Government, in bringing back, within the pale of the laws, this species of property, and obliged to take that as a good and valuable right which was at present in abeyance. To make them responsible in the first instance, under the circumstances in which Ireland was placed, was dealing a measure of injustice towards Irish landlords which the Legislature had never yet meted out to any other class of his Majesty's subjects.

Colonel *O'Grady* said, that he should support the Amendment, for he had some reason to know that it would be acceptable to the landlords of Ireland. This very subject had been made a matter of consideration and discussion with the Grand Jury of the county of Limerick in his presence, and they unanimously concurred in taking upon themselves the payment of the tithes. He could, he believed, speak with equal confidence of the concurrence of the Grand Juries of the counties of Cork and Kerry; and as the members of all those Grand Juries were necessarily landed proprietors, this was, he thought, a pretty good criterion of the feelings of the landlords of Ireland on the point of compulsory power.

Mr. *O'Reilly* could not entirely concur with the proposition of the hon. and learned member for Dublin, because it called upon the landlords to burthen their estates, without knowing or feeling that their doing so would conduce to the peace or tranquillity of Ireland. The only way of giving peace to Ireland would be to relieve the rack-rent tenants from all connection with tithe, and without this it would be vain to think of peace in that country.

Mr. *O'Connell* wished to impress on the House, that the object of his Amendment was, that if the landlords would not take the boon that was offered, the tenants should have the advantage of it.

Lord *Althorp* said, that the object of the Government was to hold out to the landlords a temptation to take upon themselves the payment of tithes.

Dr. *Lushington* said, that to save Ireland from a civil war he should support the Amendment of the hon. and learned member for Dublin. With respect to vindicating the law he had his doubts. For three years the law had been suspended, and it was not possible, while the tithe property was thus in abeyance, that the commutation could ever take place. He would support the proposition, though with reluctance.

Captain *Jones* could not agree with the learned Civilian, and would support the original proposition.

The Committee divided on the Amendment: Ayes 82; Noes 33—Majority 49.

List of the AYES.

ENGLAND.

Aglionby, H.
Attwood, T.
Barnard, E. G.
Baines, E.
Bewes, T.
Biddulph, R.
Blamire, W.
Bowes, T.
Briggs, R.
Brougham, W.
Burton, H.
Buckingham, J.
Carter, B.
Clive, E. B.
Ebrington, Lord
Evans, Colonel
Gaskell, D.
Grey, Sir G.
Hall, B.
Hawkins, J. H.
Howard, E. G.
Howard, P. H.
Hodges, T. L.
Hoskins, K.
Hudson, T.
Humphery, J.
Keppel, Hon. G.
Lennard, Sir T. B.
Lennard, T. B.
Langdale, Hon. C.
Lushington, Dr.
Marryatt, J.
Marjoribanks, S.
Palmer, F.
Penlease, J. S.
Potter, R.
Poulter, J. S.
Philips, C. M.
Peter, W.
Romilly, J.
Shawe, R. N.
Sheppard, T
Skipwith, Sir G.
Tower, C. T.
Vernon, G. J.
Ward, H. G.
Warburton, H.
Wedgwood, J.
Williams, —

IRELAND.

Acheson, Lord
Barry, S.
Blake, M. J.
Callaghan, D.
Chapman, M.
Clements, Lord
Evans, G.
French, F.
Hill, Lord M.
Howard, R.
Martin, T.
Mullins, F. W.
M'Namara, Major
O'Callaghan, C.
O'Connell, J.
O'Dwyer, A. C.
O'Grady, Colonel
O'Reilly, W.
Perrin, Serjeant
Roche, W.
Ruthven, E.
Ruthven, E. S.
Sheil, R. L.
Sullivan, R.
Talbot, J.
Vigors, N. A.
Walker, C. A.

SCOTCH.

Bannerman, A.
Ewing, J.
Oswald, R. E.
Sinclair, G.
Stewart, R.

TELLERS.

O'Connell, D.
Mackenzie, S.

List of the NOES.

Abercromby, J.
Althorp, Lord
Baring, F.
Calvert, N.
Donkin, Sir R.
Fremantle, Sir T.
Fergusson, C.
Gordon, —
Hay, Colonel L.
Hobhouse, Sir J. C.
Irton, S.
Littleton, E. J.
M'Leod, M.
Moreton, Hon. A.
Nicholl, J.
Pepys, C. C.
Poyntz, W.
Rice, Right Hon. T.S.
Rickford, W.
Ross, —
Tancred, H. W.
Thomson, Rt Hon. P.
Troubridge, Sir T.
Whitbread, J.
Willoughby, Sir H.
Wood, C.

IRELAND.

Corry, Hon. H.
Hayes, Sir E.
Lefroy, Sergeant
Lefroy, A.
Jones, Captain
Shaw, F.

Lord *Althorp* said, that, after what had just taken place, he thought the best course would be to postpone all the clauses which referred to this part of the subject until the close of the proceedings upon the Bill. With respect to this question, he would say, that it was a hard measure on the landlords, at least the great majority of the Irish landlords in that House thought it so. The clause would have carried more speedily into execution the principles of the Bill.

Mr. *O'Connell* said, that whatever course the noble Lord proposed, he thought it the duty of every hon. Member in that House to give all the aid in his power to the Bill.

Mr. *Shaw* said that, after the sort of opposition which the hon. and learned member for Dublin had received from Ministers, the noble Lord was entitled to the support of the hon. and learned Gentleman.

Lord *Althorp:* Does the hon. and learned Member mean to say, that I was not sincere in the opposition which I gave to the Amendment? I certainly never wished, nor pressed on this occasion, for the votes of those Gentlemen who usually support the Government. The hon. and learned Gentleman seems to forget the changes lately made in the constitution of this House by the Reform Bill. I readily admit that, on some occasions, when a great principle was involved, and I expected that the decision of the House would be against me, I have, in order to assist in carrying out the principle, expressed a wish for the votes of Members. But, in a question as to a clause in an Act of Parliament, the effect of which would only be to carry out the principle of the Bill more rapidly, I should be ashamed of myself, if I followed a course such as that which would only be justifiable when the principle of the Bill itself was involved.

Mr. *Shaw* believed, that the noble Lord had not wished that the clause should be carried in the way he had proposed it. He could only say, that the clause had been opposed by hon. Gentlemen who had been in the habit, on all occasions, of giving their support to Ministers. He had heard some of these hon. Gentlemen confess, that Ministers secretly wished the clause to be lost.

Lord *Althorp* had not wished the Irish Members to vote against their opinions, but, at the same time, he denied that he had wished the clause to be lost. He thought that the effect would be injurious in carrying the Bill into execution.

Mr. *O'Connell* said, it was impossible for the House to go on with the other clauses that night.

Clauses 4 to 41 were postponed.

Clause 42 was negatived, and clauses from 49 to 56 were omitted.

Mr. *Lefroy* said, that, notwithstanding all he had heard, he was still ignorant of the views of Government on the subject of appropriation. He was now told, that the principle was fixed upon. If the principle was, that the Church property of Ireland was to be applied to other purposes than those of the Church, it would be no longer in his power to support this Bill. Indeed, the rejection of the redemption clause would be sufficient to induce him to reject the Bill altogether, and confirm him in his opposition to it more and more. An objection of the noble Lord to the plan first proposed was the quantity of land that might in consequence be thrown into mortmain. The objection was very plausible, and if there was no answer to it, would justify the apprehensions of the noble Lord. He would, however, beg to call to the recollection of the House, that by the Church Temporalities Bill, more land would be brought out of mortmain than would be thrown into it by the measure first proposed. He could not admit that the security of a rent-charge was equal to that of redemption. The great object of redemption was to do away completely with all those recollections connected with the nature and the application of tithe in Ireland. A rent-charge would not have this effect. It would be liable to the very same objections as tithe itself. It would still be levied as a charge for the support of the Protestant clergy, and occasion not fewer difficulties and objections than it did under the name of tithe. An investment in land would not be liable to the same objections. He ventured to pledge himself, that in three years there would arise the same conspiracy against the rent-charge as existed against tithe. There would be found as many difficulties in levying three-fourths as in levying the whole. The present measure would do nothing for the clergy, would not relieve the tenants, and would only enable the landlords to get a higher rent. The Bill would prove most injurious to the present incumbents. It would deprive them of two-fifths of their income, and place them at the mercy of new paymasters that would not prove more satisfactory than the former.

The House resumed: the Committee to sit again.

Excise Acts.] The House went into Committee on the Excise Acts.

On the Resolution being put for reducing the duty on Irish spirits,

Sir *George Murray* said, there was a departure here from the principle of equality of taxation on which the noble Lord professed to act. The noble Lord (Lord Althorp) seemed to think, that the quantity of spirits distilled was always the same, and that any difference in the amount of duty paid arose from illicit distillation. He did not know what means the noble Lord had to ascertain this. The injury done to Scotland by the change proposed by the noble Lord would not be confined to the Highlands, but extend over all Scotland; and he did not think it fair to that part of the empire. The noble Lord assigned as a reason, that he could not risk more than 200,000*l.* revenue. Why not then make the risk equal, by doing away with 1s. duty in both countries? He would not divide the Committee upon the point; but he should not have done his duty, not having been in the House when the Resolutions were first proposed, if he had not called the attention of the noble Lord to the subject.

Lord *Althorp* said, this alteration was proposed partly on the ground, that it would be a benefit to Scotland. In Ireland the duty was higher than in Scotland; and he did not think, therefore, it would be justifiable to adopt the course proposed by the gallant officer. A reduction of duty in Ireland to the amount of 1s. would have no effect. Illicit distillation was now going on there very briskly, and so small a reduction would not impede it much. The reduction would not cause more smuggling from Ireland than at present existed. If he saw that there was an advantage gained from the reduction of the duty on spirits, he might take off the drawback on malt in Scotland. The question, however, was one that could not be taken into consideration before next Session.

Captain *Gordon* said, that if the noble Lord did not take off the drawback on malt, after this reduction of duty had been made on Irish whiskey, the consequence would be ruinous to the distillers of Scotland.

Mr. *Sinclair* thought that there was very little prospect of seeing his Majesty's Ministers experience a second defeat on the same night, and he, therefore, agreed with the right hon. Member, that it was unnecessary to press this question to a division. One result of the change effected a short time ago in the Irish Tithe Bill would be, as he hoped, to shorten the duration of the Session, and prevent the Table from being covered with petitions from Scotland against the advantage about to be given to Ireland over that country. The Irish Members had at least two advantages over the Scotch: in the first place, their numerical superiority, and then their greater skill in wielding the weapons of agitation. The latter was the chief source by which they accomplished many objects, and certainly the people of Scotland, if they wished to avert an evil, or secure an advantage, should take a leaf out of Lord Anglesey's book, and agitate, agitate, agitate. He should now content himself with protesting against the partial and unjust measure which was under consideration.

Mr. *Callaghan* said, that if Government had given the same encouragement to the landlords of Ireland that had been given to the Scotch landlords, the Irish would have conducted themselves in the same way.

Mr. *Ruthven* said, that if the large Irish distilleries were well managed by proper men, and by good Excise-laws, it would contribute more to suppress illicit distilleries than any oppressive enactment.

Mr. *Ewing* said, that the noble Lord would not have made this reduction if he was aware of the demoralization it would produce among the lower classes in Ireland.

The Resolutions were agreed to, and a Bill founded thereon ordered to be brought in.

BURNING LANDS (IRELAND)—MR. O'CONNELL.] Colonel *Perceval* begged to call the attention of the House to the conduct pursued by the hon. and learned member for Dublin with respect to the Burning of Lands (Ireland) Bill. The hon. and learned Gentleman was well aware, that he (Colonel Perceval) intended that night to move the second reading of the above-mentioned Bill; and yet in a moment, without any consideration or notice, profiting by his temporary absence, the hon. and learned Member rose and moved, that the Bill be read a second time that day six months. There was in this transaction a want of courtesy and liberality on the part of the hon. and learned Member. But it was not the first time the hon. and learned Member comported himself in a discourteous and ungenerous manner. The Bill in question had passed the Lords; and when it was arrived at another stage, he (Colonel Perceval) had waited several nights till past two o'clock to advance it. At last he found that the Bill had been passed over in consequence of the hon. and learned Member going, in an ungenerous manner, to the Clerk of the House, and telling him the Bill had been given up. He was then obliged to refer to the Speaker, and, in consequence of the interference of the right hon. Gentleman, the Bill was again placed on the Orders of the House. He mentioned these facts to show the uncourteous and ungenerous conduct pursued by the hon. and learned member for Dublin. He believed that, out of the 658 Members of that House, there was not one, except the hon. and learned member for Dublin, that would have acted as he had done. Just now, supposing that the question before the House would occupy some time, he was talking to two hon. Members in the lobby, when the hon. and learned Member, taking advantage of his absence, moved that the Bill be read a second time that day six months, and succeeded in his Motion. He left it to the House to judge of conduct fraught with so much ungenerosity. The Bill was one intended for the benefit of the poor in Ireland; and he thought he had a right to complain of the conduct of the hon. and learned Member, since he could now obtain no other redress; and he was the very last man who would have acted in so unhandsome a manner towards the hon. and learned Member.

Mr. *Maurice O'Connell* regretted the

absence of the hon. and learned member for Dublin, against whom such a tirade had been directed. He was sure the hon. and learned Member meant nothing uncourteous towards any man, and least of all towards the hon. member for Sligo. When the hon. and learned Member came next into the House, he would undoubtedly make a fair answer to the charge. The Bill was not one that would benefit the poor of Ireland.

The subject was dropped.

HOUSE OF LORDS,

Thursday, July 31, 1834.

MINUTES] Bills. Read a first time:—Insolvent Debtors (India); Trading Associations; Letters Patent; Excise Revenue; Arms' Importation (Ireland).—Read a third time:—County Coroners.

Petitions presented. By the Earl of FALMOUTH, from a Place in Cornwall, for Relief to the Agricultural Interest.—By the Duke of WELLINGTON, and the Bishop of EXETER, from a great Number of Places,—against the Universities' Admission Bill.—By the Bishop of EXETER, from the Clergy of his Diocese, against altering the Law relative to the Appropriation of Church Rates.—By the Dukes of CUMBERLAND and WELLINGTON, the Marquess of BUTE, and the Bishops of LONDON and EXETER, from a Number of Places,—for Support to the Protestant Church in Ireland, and the Church of England; against the Separation of Church and State; and against the Claims of the Dissenters.—By the Bishop of LONDON, from one Place, in favour of the Poor-Law Amendment Bill.

POOR LAWS' AMENDMENT.] The House went into a Committee on the Poor Laws' Amendment Bill.

The 68th Clause was agreed to.

The 69th Clause was read. It enacts—"That every child which shall be born a bastard after the passing of this Act shall have and follow the settlement of the mother of such child, until such child shall acquire a settlement in its own right," &c.

Lord *Wynford* moved, to strike out the words "acquire a settlement in its own right," for the purpose of substituting the words "until such child shall attain the age of sixteen years, and then to be deemed to possess the settlement of birth."

The Earl of *Radnor* thought the Amendment would be mischievous, as it would be difficult, after the child was a few years old, to determine the place of its birth; and, to settle that point, each parish being desirous to get rid of the burthen, would cause much litigation.

The Bishop of *Exeter* was also of opinion, that the proposition of his noble and learned friend was likely to give rise to much litigation. It would be very difficult, after sixteen years had passed, to prove the place of birth. It would not be sufficient to show that a person named A. B. was entitled to such a parish at such a time; it would be necessary to prove the identity of the individual. Thus would be created a continual series of litigation.

Lord *Wynford* conceived it would not be more difficult to adopt a proper mode of identification under his clause than under the Bill?

The Bishop of *London* asked, why was it necessary to make an exception with reference to the settlement of illegitimate children under this Bill.

Lord *Wharncliffe* could see no strong objection to leaving the child to the parish where it was born. That was at present the law; and he saw no reason for altering it.

The Bishop of *Exeter* had ventured to state, a few nights ago, what would probably be the effect of this alteration of the law. The erring woman would be sent to the House of Correction of her own parish, and, circumstanced as she was, it was not likely that she would become chaste and continent. She was more likely to have a bastard child every year. No man would marry her, burthened as she was with an illegitimate progeny. A bastard would be bred in the House of Correction every year, for there she must remain. Now, he really thought, that the parish which sent her originally to the House of Correction, should have all the benefit of those children.

Lord *Wharncliffe* repeated, that it was more just and fit that, after a certain time, the parish where the child was born should become the place of settlement of the child, than that the mother's settlement should be always liable.

The *Lord Chancellor* said, they must, in looking to this question, take into consideration not merely the present state of the law, but what it would be when the proposed measure should be passed. When this Bill should be law, the woman would be removed to the parish in which her settlement lay, and would be placed in the workhouse. But, under the existing law, a woman (and such people were generally more or less of vagrant habits) might have four children born in four different parishes, and have herself a claim on a fifth parish, where her own settlement was. There she might go with her children. Now, by the law, the workhouse there could not relieve any one of the four children; each of them must be relieved by a different parish. The parish officers must open four different accounts, one in each parish. Now, nothing ought to be more strongly guarded against,—and that was one object of the Bill,—than the preventing workhouses from entering on a system of complicated accounts. This clause had been very seriously considered, and he believed that the parties consulted, Overseers, Magistrates, and Clergymen, were not so unanimous on any other point as they were on this.

The Earl of *Radnor* thought that, on the score of justice, the clause had better stand as it was originally framed.

The Earl of *Falmouth* observed, that the Amendment of his noble and learned friend (Lord Wynford) merely limited the age beyond which children should not follow the settlement of their mother.

The Bishop of *London* said, that it did not follow that the place of the child's birth was the place where it was conceived. He thought that the clause was best as it stood.

Lord *Wynford* remarked, that the clause as it stood was unfit to stand part of the Bill, because it was cruel and unjust that the child should be separated from its mother during the age of nurture, which he was disposed to extend to the sixteenth year.

The Bishop of *London* said, that it was certainly expedient that the child should not be removed from the mother till what was generally considered the age of nurture, seven years, had ceased. Undoubtedly the unfortunate woman who had been seduced from the path of chastity might have her mind perverted, and her moral constitution vitiated, in workhouses, as they were conducted under existing circumstances; but one of the most important features of the present measure was, that workhouses would be placed under very different regulations, which would make it, if not impossible, at least very improbable, that the offence which brought her within the workhouse would be committed while she continued within its walls; and he should be very much disappointed if the central Commissioners to be appointed under this Act did not frame such regulations as would make workhouses schools of moral reformation, and not of moral degradation.

Lord *Wharncliffe* said, that the effect of the Amendment would be, to suspend the settlement of the child till it had attained the age of sixteen years. Considering the character of the persons who would be subjected to the regulations of the workhouse, he thought it would be better, after the age of nurture had expired, that the child should be separated from, than continued with, its parent. He would suggest to the noble and learned Lord, whether it would not be better to defer the consideration of his Amendment till another time.

The Bishop of *London* said, that being one of the Poor-law Commissioners, he thought it fit to state, that in his opinion the clause was not by any means the most important feature of the Bill, and his arguments in its favour were laid before their Lordships solely because he thought it right to state the reasons which had induced him to recommend its adoption.

The Amendment withdrawn, and the Clause agreed to.

On clause 70, enacting that the mother of illegitimate children being unable to support them, the putative father should be liable.

Lord *Wharncliffe* said, that the clause now proposed to their Lordships for adoption had been inserted in the Bill on the Motion of an hon. Member of another House, at the very last stage of its progress, and in his opinion it militated against the recognised principle of the Bill. According to that clause, the unfortunate victim of seduction was to ask for relief from the parish, to be received into the workhouse, to be brought to bed there, and afterwards to be taken before a Magistrate to affiliate her child upon the putative father, from whom, after the sum ordered by the Magistrate for the maintenance of the child had been two months in arrear, the parish had to look for payment. Now, one strong objection to this clause in his mind was this—that it still put into the hands of the woman a remedy, of which it was the principle of the Bill to deprive her. When she found herself pregnant, she might say to the partner of her guilt, "If you don't marry me, I shall go into the workhouse and show you up," and thus would be continued one of the strong motives which now led to the commission of the crime, and it removed one of the strongest inducements against its perpetration,—namely, the shame and disgrace which ought to be its concomitants. But this clause said in effect to the woman, "If you go into the workhouse, you have a chance of getting a husband;" removing the natural impulse to conceal her disgrace from the knowledge of the world. Again, by this clause there were no means to compel the appearance of the man when summoned by the Magistrate, and as he could not be made liable to action until he was two months in arrear, all he had to do was to get out of the way, and thus escape payment altogether. The clause would, in this respect, be entirely inoperative, and entirely contrary to the principle now sanctioned by both Houses of Parliament, that the woman should be chargeable with the maintenance of her illegitimate child, and all merely for the chance, (for it would amount to no more), of the parish being sometimes repaid the expense which it might incur on account of the woman. He should, therefore, move that the clause be expunged.

The *Lord Chancellor* observed, that it had been said in another place, that this clause would reconcile the poor to the operation of the other clauses of the Bill, though for his own part he could not discover how it would; and if it would, he did not see that it was any reason in favour of a clause which would neutralise the effect of the rest of the Bill.

The Earl of *Falmouth* thought the clause wholly inconsistent with the 67th clause of the Bill; and it never should have been recommended to their Lordships. If the noble and learned Lord on the Woolsack had not pushed forward the Bill so rapidly, these contradictions would not have been in it.

The *Lord Chancellor* observed, that the obloquy cast upon him by the noble Earl (the Earl of Falmouth) was not new to him. He had been assailed from many quarters; but if it was thought that any pain would be given him by the observations which had been made upon his conduct, he was sorry to say, that it gave no pain whatever. The obloquy to which he had been exposed had not disturbed his rest, had not impaired his appetite, had not injured his health; and if he had been subjected to ten times, ay, to ten thousand times, as much vituperation, he should not have felt the smallest possible portion of concern. He should throw himself with the most perfect, implicit, and absolute confidence on the good sense and honest judgment of his countrymen, and he was sure that in a few weeks, or even a few days, after this measure had been in operation, he should be acquitted by them of any such charges as had been imputed to him.

The Earl of *Falmouth* had no intention of casting obloquy upon the noble and learned Lord for his exertions in forwarding the Bill, nor upon his Majesty's Government; but entertaining a conscientious opinion that this measure was both morally and politically wrong, he gave it his opposition. He was most decidedly opposed to the principle of giving the most perfect impunity to the man, while it visited the woman with heavy punishment, and he felt that if the Bill passed into a law, it would sap the foundations of society.

Lord *Wharncliffe* said, that if it were possible to affix any mark of shame on the father, to stigmatize him with any part of the disgrace attendant upon the transaction, he, for one, would gladly impose a penalty of that kind. But this was not the effect of a pecuniary penalty, and the woman was thereby induced to commit the crime without that hesitation which would follow on a contrary state of things.

The Marquis of *Lansdown* had never brought himself to look upon the Bill as a measure of punishment, but as an attempt by a better administration of the Poor Laws, to give relief to poor persons in a manner the most economical to the parish. He should assent to the proposition of the noble Baron on these grounds.

The Bishop of *Exeter* regretted that there were no means of punishing the father without the evidence of the mother, as it was objectionable for many reasons; but at the same time their Lordships should bear it in their recollection, that the station in which the unfortunate females who would be the peculiar objects of this clause moved, prevented their obtaining the redress which the victims of seduction in the higher walks of life might secure. Let their Lordships consider the circumstances of these unhappy persons, so poor that they were obliged to go into the workhouse, and then let them reflect whether the report of the Commissioners was drawn up in mockery, when it noticed that these poor creatures were not to be deprived of the right of action. He would not let the woman get from the man her share of the penalty annexed to their common iniquity, but he thought a pecuniary penalty ought to be inflicted upon the man. He did not say, that modern legislators were bound to imitate in every point the enactments of the Mosaical law; but he did say, that considering the authority on which that law rested, no Legislature need be afraid or ashamed to follow one of its provisions. Their Lordships would recollect, that in that code a crime not exactly in its results the same as that now under discussion, but closely allied to it—namely, incontinency—was punished by that law with a pecuniary penalty. If a man had connexion with a woman, even with her own consent, he was bound to marry her, and was amerced with a heavy fine; and what was the reason alleged in the sacred volume for that enactment? "Because he hath humbled her." He must say, therefore, that it was too much to affirm that no pecuniary penalty should be imposed upon the man, and that equity of the highest kind taught us not to visit the woman with the whole of the penalty.

The *Lord Chancellor* said, that if he attempted to follow the right rev. Prelate in making the Mosaical code the authority for every Act of Parliament, he should have directed against him, not merely the obloquy to which he had lately alluded, but the arguments of a whole army of close reasoners, an impenetrable phalanx of sound logicians, whose hostility was infinitely more formidable. The right rev. Prelate might recollect, that under the Levitical Law, there was another crime closely connected with fornication, to which capital punishment was annexed—he meant adultery; and yet under the law of England there was no punishment for that crime at all. No one could doubt, however, that the relative criminality of incontinence and adultery, in the eye of reason, in the estimation of the divine and of the moral law, was greatly against the latter; still, incontinency was punished by the law of England, and adultery escaped without any penalty. The law of this country not only did not make incontinency an offence, except in woman, but neither made adultery nor incest punishable, save only under the Ecclesiastical law. The law in the northern part of this country made both adultery and incest capital offences, and though under those laws, which might suit the 17th century, convictions and executions had taken place (and he would instance the case of Major Weir, who for witchcraft and incest was executed), yet such was the change in the views and feelings of the people, these laws had now fallen into absolute desuetude in the north. To legislate well, was to legislate in accordance with the feelings of the people. He must say, that there was no sound ground for the argument, that legislation should now be made consonant to the Mosaic law.

The Bishop of *London* concurred in the great principle which had been laid down by the noble and learned Lord. His right rev. friend had forgotten, that in the Mosaic law, religion was so connected, that it was difficult to separate the one from the other. The great truth of which his right rev. friend had lost sight was this, that under the Mosaic law every sin was a crime. Such was not the case in the laws of any other nation.

The Bishop of *Exeter* had not proposed to make all sins crimes, but he did mean to contend, that by the infliction of the full burden or penalty for a double fault a palpable injustice was done. This no noble Lord had dared to rise in his place to deny.

The Marquis of *Lansdown* denied, that any penalty was intended to be inflicted by the operation of this measure; all that would be required by this Bill was, that the mother of illegitimate children should do that by her offspring that the mother of a family legitimately born was compelled to do.

Lord *Wynford* observed, that by the law of nature it was equally imperative upon the father to support his child as upon the mother. The proposed alteration in the existing laws was, in his opinion, based upon the unfounded assumption, that the female was the chief aggressor, and that assumption led to the very great injustice of exonerating the man, and throwing the whole burthen upon the unfortunate woman.

The Bishop of *London* must protest against the suggestion, that it had been assumed by the Commissioners that the woman was always the seducer. There was nothing in the report to justify the assertion.

The Earl of *Falmouth* could not admit that this Bill contained no penalties upon the unfortunate mother of an illegitimate child. Was it no penalty to be obliged to work to the bone to maintain it, and when strength failed, to be consigned to a workhouse, there to drag out what might remain of a miserable existence?

The Earl of *Radnor* observed, that there was nothing either in the report or evidence that could warrant the assertion, that this part of the measure had been framed upon the assumption that women were the first seducers in the generality of cases.

The Bishop of *Exeter* begged to be allowed to read two very short extracts in answer to what had just fallen from the noble Earl. He quoted from the evidence of Edward Tregaskie, Vestry-clerk of Penryn, Cornwall—"We know and are satisfied, from long and serious observation and facts occurring, that continued illicit intercourse has in almost all cases originated with the female." Again, Mr. Walcott speaks of having met with a striking instance which "proves that the female in these cases is generally the party most to blame, and that any remedy to be effectual must act chiefly with reference to her."

The Bishop of *London* begged their Lordships to remember, that this was not the language of the Commissioners.

Clause 70 was ordered to be struck out of the Bill. Clauses 71 to 89, inclusive, were agreed to.

On Clause 99 being read,

Lord *Kenyon* objected to the universal application of it. He was not one of those who thought that a uniform system for the administration of the Poor-laws was advisable. He, on the contrary, thought the establishment of such uniformity anything but desirable. A spirit of improvement had of late years manifested itself in many parishes in the country, and the effect of the present Bill would be to check that spirit in its progress to maturity, by the intervention of a power altogether foreign to the settled habits of the country. He wished to know why the Magistracy of the country were to be superseded by the Commissioners, and so much unnecessary expense incurred? The Magistrates, although accused by some of cowardice and supineness, had given general satisfaction in their guardianship of the poor. He could see no sufficient reason for giving such extraordinary powers to the Commissioners. Where abuses existed, the powers of the Commissioners might possibly be exercised beneficially; but where the affairs of a parish were managed with scrupulous discretion, why should that parish be subjected to the interference of Commissioners upon a mere experimental system? He had an Amendment to propose to this clause by way of proviso, the object of which was, to limit the interference of the Board of Commissioners to cases where their aid should be needed. He did not expect to carry his Amendment; but it would serve the purpose of a protest, and to show what his opinions upon the subject were. He had lately presented a petition to their Lordships from ten of the metropolitan parishes, against the Bill then under discussion, and he had reason to know that most of the parishes in London were going on in a very satisfactory manner as to the administration of the Poor-laws. In his own parish the poor-rates had been reduced to one-half what they were. They were at present no more than 1*s.* 1*d.* in the pound; and what benefit could the Commissioners introduce where that was the case? The Commissioners were to have the power of creating unions of parishes. The Bill was a mere experiment, and, supposing it should fail, what was to become of these unions? He did not wish to say anything against the Commissioners who were to be appointed. They might be most respectable men; but he would contend that no man who had been instrumental in the construction of the Bill before the House, or in the taking of the evidence which had been laid before the public, ought to be one of the Commissioners, for he would certainly be a partial judge of the efficacy of a measure of which he had been one of the originators. The noble Lord concluded by moving as a proviso, "That no part of this Act relating to the Central Board of Commissioners should be construed to apply to parishes in which, upon the average of the last three years, the poor-rate had not amounted to 5*s.* in the pound upon the rack-rent."

The *Lord Chancellor* said, that he would not follow the noble Lord through his observations, for it would be renewing the argument on the principle of the Bill; but he would contend, that the measure was as essential in parishes where the amount of the poor-rates was below the sum moved in the Amendment, as where it was much greater.

Lord *Wynford* supported the Amendment of his noble friend, and said, that it would be infinitely better to let the Bill be tried as an experiment in the first instance, in parishes where the law had been admitted to be improperly administered, and where the burthens for the relief of the poor pressed heavily upon the parishioners than have made it to be universal, as was now to be the case.

The Amendment was negatived, and the Clause agreed to.

The House resumed. Committee to sit again.

HOUSE OF COMMONS,

Thursday, July 31, 1834.

MINUTES.] New Writ ordered. For Thetford, in the room of Lord JAMES FITZROY, deceased.

Bills. Read a second time:—Militia Ballot Suspension; Assessed Taxes Relief; Arms Importation (Ireland).

Petitions presented. By Viscount GRIMSTONE, from Brangling, in Support of the Church of England.—By Mr. M'LEOD, from Kilmalie, for Support to the Church of Scotland.

COMMON FIELDS' ENCLOSURE.] Mr. Estcourt moved, that the Common Fields' Enclosure Bill be read a second time.

Major *Beauclerk* rose for the purpose of moving, that the Bill be read a second time that day six months. He did not oppose the Bill merely because his constituents would be affected by it, but because it went to deprive the poorer classes of society of that healthful recreation and innocent enjoyment which were obtained by having free access to unenclosed common lands. It was not only the people who possessed the power to turn their cows, or their pigs, or horses, on commons to obtain pasture, who were injured by these enclosures, but the whole population; for they circumscribed the limits in which the people could now enjoy themselves by perambulating the open commons without trespass. It was said, that the neighbourhoods of large towns would not be affected by this Bill; but he should always oppose the principle of making partial laws, of one law for large towns, and another law for the country. Both in a moral and political point of view, it was of the greatest importance that the poorer classes should have every inducement to healthful recreation, inasmuch as the more the House conduced to their amusements, the more likely they would be to keep out of the publichouse.

Mr. *Hughes Hughes* seconded the Amendment, regarding the present Bill only as part of a system which was pursued by wealthy proprietors with regard to enclosing the lands which afforded enjoyment or advantage to the poor; and, although it was contended that this was merely a Bill for the enclosure of common fields, and that commons would not be affected by it, he must take leave to say he was of a very different opinion. It had been said, that one general Bill should be passed for the purpose of enabling lands to be enclosed without the expense of a separate Act of Parliament in each particular case. He would always oppose such a principle, as he did in a Committee where it was countenanced, contending that every case of enclosure should stand upon its own particular merits, as he was willing to admit that cases might arise in which it was for the benefit of all parties that the lands should be enclosed. He hoped the House would not entertain a Bill of this description, introduced at so late a period of the Session.

Mr. *Hawes* said, he had presented a petition from the inhabitants residing on and about the commons of Wandsworth, Battersea, Wimbledon, and other places, against this Bill; but the hon. member for the University having consented to the introduction of a clause he was about to propose, by which a circuit of ten miles round the metropolis and other towns containing a specified number of inhabitants would be exempted from the operation of the measure, he should not oppose the Bill going into Committee.

Mr. *Tooke* protested against the rights of the people of England being compromised because the constituents of the hon. member for Lambeth were satisfied. The question involved in the Bill, as to whether common lands would be affected, was certainly one of very great nicety, and, to say the least of it, trenched very much on common rights. He should, however, object to the Bill, on the sole ground of its introduction at so late a period of the Session.

Mr. *Cutlar Fergusson* objected not only to the period at which the Bill was introduced, but to the principle it involved. Within his Parliamentary recollection two Bills had been introduced for the purpose of enclosing Hampstead-heath and Wandsworth-common; and the strong opposition which was raised against them showed it was necessary to make every

Enclosure Bill depend upon its individual merits. He thought a Bill of such vast importance, affecting the rights of the whole people of England, should not be hastily agreed to. It was useless, in his opinion, to pass a clause exempting the neighbourhood of large towns from the operation of the Bill, because, in many instances, places that were now small and came within the provisions of the Bill would, in the course of time, be as large as many of the places excepted. Conceiving the Bill to be very injurious to the people of England generally, he should vote with the hon. and gallant member for Surrey.

Sir *Henry Willoughby* had nothing to do with the Bill now before the House, but he begged to observe, with regard to what had fallen from the right hon. Gentleman who spoke last, that he had entirely mistaken the object of the Bill: he had confounded common fields with commons, therefore his objections to the Bill entirely failed, the Bill only relating to small tracts of land held by individuals in common fields. It applied to no common or common right in England, but those great tracts of land held in small strips in different parts of the country; and the object of the Bill was, to give the proprietors the power to enclose them without the expense of a special application to Parliament. This, he apprehended, had nothing whatever to do with commons or common rights.

Mr. *Estcourt* wished to say a few words in explanation of the Bill, which had been totally misunderstood. If he thought it would have the effect pronounced by the right hon. member for Kirkcudbright, of circumscribing the healthful recreation of the poor, or of trenching in any degree upon common rights, he would consent immediately to abandon it. The real object of the Bill was, to confer the benefit of enclosing common fields in agriculture, without subjecting the owners of them, in every case, to the immense expense of passing a Bill in Parliament. So far from being desirous to affect the commons resorted to by the public for the purposes of recreation, he had himself opposed the attempts that had been made, at various times, to inclose Hampstead-heath. The Bill would tend very much to the improvement of agriculture; for it was in vain to suppose, that small tracts of land of two or three acres would ever be improved, if the expense of enclosure was not diminished. It was impossible any Court of Law could place such a construction on the Bill, as to apply it to common rights or common lands. An objection had been taken to the period of the Session at which the Bill was introduced. The order for the second reading appeared on the books on the 7th of July, and he had only consented to postpone it at the request of hon. Members who entertained objections to the measure; it was, therefore, very unfair for them now to oppose the Bill on that ground. He was aware of the great objection to enclosing lands in the neighbourhood of large towns, and was, therefore, willing to accept the proposition of the hon. member for Lambeth. He had no great taste for Enclosure Bills, but he would declare that, unless some general measure of this description for the enclosure of lands was introduced, it would be hopeless to expect any amelioration of the lands in agricultural districts.

Mr. *Blamire* supported the Bill, being of opinion that the proviso which had been introduced by the hon. member for the University of Oxford would obviate every objection to the Bill. There were, however, many difficulties to the details of the measure, such as where there was a right of severalty to the tillage, and where there was a periodical right to the herbage on common fields. He did not think such rights should be taken away without due consideration.

Mr. *Childers* said, that every objection which had been taken to the Bill might be discussed in Committee. Representing an agricultural district where there were large tracts of land which would derive great benefit from the measure, he gave it his cordial support. There were many small tracts of lands, such as those described, and many labourers residing on them without the means of employment, who would be afforded the opportunity to exercise their labour if the lands were enclosed.

Mr. *Potter* said, though the clause of the hon. member for Lambeth confined the operation of the Bill to a limit ten miles distant from large towns, it must not be forgotten that there were many large towns in the north of England, containing a population of 10,000 or 12,000, that a few years ago did not contain as many as 1,000. If, therefore, this Bill were to pass, even with the clause in favour of large towns, the enjoyment of the poor would be curtailed by enclosing the neighbourhood of small places that might ultimately become populous. He rejoiced to see a disposition in that House to reject measures that infringed on the rights of the lower orders, and felt much pleasure in the recollection that three Enclosure Bills had been thrown out of the House during the present Session, because they tended to inflict a serious injury on the defenceless poor.

Mr. *Fysche Palmer* considered it a great omission in the Bill that no drainage clause had been introduced. He would take, for example, the large fields between Reading and Abingdon, and ask how it would be possible to get rid of the water which lay upon them at certain seasons of the year, unless a drainage clause was passed, by which it might be carried into the river?

Mr. *Estcourt* said, he had no objection to the introduction of any proviso to remedy the difficulty, merely as a cautionary clause.

Colonel *Williams* considered no principle more dangerous than that of giving power to great landowners to enclose lands at the expense of the poor. He considered the labour of the poor man as much his property as the lands of any wealthy proprietor, and that it was the duty of that House not to suffer any measure to pass that would have the effect of discouraging that labour.

Lord *Sandon* said, the object of the Bill was to afford the means of employment to the poor by the enclosure of lands. The Bill did not interfere with the rights of the poor, nor was it a question of common, but of common fields belonging to different proprietors, and distinct from each other.

Mr. *Hume* said, a great difference of opinion seemed to prevail with reference to the real objects of the Bill; but, after the recommendation of the Committee of last year relative to public walks, he thought the House should be very cautious how it gave its sanction to any general Enclosure Bill that might tend to interrupt its operation. No person could pass Hampstead, Camberwell, or Wandsworth, on a Sunday, and see the vast numbers of persons who enjoyed innocent recreations on the commons, without admitting the great importance of a measure to prevent even the possibility of their ever becoming enclosed. He regretted to see, in many parts of the country, that such encroachments had been made upon the enjoyments of the poor by the enclosure of common lands, for they had now scarcely any opportunity afforded them in their intervals of work to enjoy a breath of fresh air. If an arrangement were made, that the suggestions of the Committee of last year would not be obstructed, he would give his support to the Bill, on the ground that it would facilitate the improvement of agriculture, and increase agricultural labour.

Mr. *John Smith* did not agree with the noble Lord, that these enclosures afforded the means of employment to agricultural labourers, as he knew many cases in which it had produced a contrary effect.

Mr. *Tower* having been instrumental in the passing of several Enclosure Bills, and having witnessed the beneficial effects of them in the agricultural districts, bore his testimony to the great utility of a measure of this description. By the increase of enclosures the employment of the poor was increased, and consequently their comforts. The Bill was not a perfect measure, but its faults might be remedied in Committee.

Mr. *Aglionby* considered that the Bill applied only to those commons where the right was possessed in severalty, and as it did not sanction the enclosure of commons or tend to circumscribe the rights of the poor, he should give it his support.

Major *Beauclerk* said, what had taken place that morning satisfied his mind that there was no desire to infringe on the enjoyments of the poor, and wishing not to throw impediments in the way of the improvement of agriculture, he would not press his Amendment.

Mr. *Wilks* protested against going into Committee at all. Notwithstanding what lawyers might have said of the Bill, he contended that it contained many most objectionable provisions, and it was so worded as to render it very difficult to make any amelioration in the Committee. Though the Bill was ostensibly for the purpose of enclosing common fields, there were many periodical rights, besides the right of way, that would be entirely destroyed by it. He objected to the introduction of so important a Bill at this period of the Session, and would vote against its proceeding any further.

The House divided on the original Motion—Ayes 39; Noes 27: Majority 12. Bill read a second time.

List of the Ayes.

Aglionby, H. A.
Barnard, G.
Blamire, W.
Calvert, N.
Cockerell, Sir C.
Crawford, W.
Crompton, S.
Davies, Colonel
Dillwyn, L. W.
Dundas, Captain
Evans, G.
Finch, G.
Hawes, B.
Hoskins, K.
Irton, S.
Lefroy, Sergeant
Lowther, Colonel
Macleod, R.
Marsland, T.
Morrison, J.
Palmer, F.
Pelham, Hn. C. A.W.
Phillips, C. M.
Ross, Charles
Sandon, Lord
Scrope, P.
Shawe, R. N.
Shepherd, T.
Sinclair, G.
Stewart, R.
Talbot, J.
Torrens, Colonel
Tower, C. T.
Trowbridge, Sir T.
Ward, H. G.
Wedgwood, J.
Whitmore, W. W.
Willoughby, Sir H.

TELLERS.
Childers, J. W.
Estcourt, T. G.

List of the Noes.

Attwood, T.
Baines, E.
Blake, M.
Brotherton, J.
Buckingham, J. S.
Divett, E.
Hodges, T. L.
Howard, P. H.
Langdale, Hon. C.
Lowther, Lord
North, F.
Oswald, R. A.
O'Connell, Morgan
O'Dwyer, A. C.
Potter, R.
Ruthven, E. S.
Ruthven, E.
Smith, J.
Sullivan, R.
Tancred, H. W.
Tooke, W.
Turner, W.
Walker, C. A.
Walter, J.
Wilks, J.
Williams, Colonel
Yelverton, W. H.

TELLERS.
Beauclerk, Major
Hughes, W. H.

South Australian Colonization.] On the Motion of Mr. W. Whitmore, the House went into a Committee on the South Australian Colonization Bill.

On Clause 16,

Mr. *Barnard* rose to express an earnest hope, that new ships would be selected for the purpose of conveying the emigrants to Australia, and that proper officers would be appointed to survey them before they were suffered to leave our ports. He was desirous to draw the particular attention of the right hon. Secretary for the Colonies, whom he regretted he did not see in his place on the present occasion, to this most important subject, conceiving that of all cargoes, a cargo of human life was the most valuable, and that too great care could not be taken that they were embarked with everything they possessed in vessels that were perfectly secure. He thought this protection ought peculiarly to be thrown round emigrants from Ireland, as he regretted to say, that two instances had recently occurred, in which the lives of no less than 447 emigrants from the port of Limerick had been sacrificed from the unsound state of the vessels in which they were conveyed. He alluded to the instances of the Thames and the Astrea. He could not help observing, that considerable blame rested somewhere, and that the wrecks which took place were to be attributed in a great measure to the age of the vessels employed. He found, on reference to Lloyd's list, that in the last year, of the seven vessels lost, only one was under the age of twenty years, and when he informed the House that one-third of the whole tonnage of England, amounting to upwards of 330,000 tons, was reported to be upwards of twenty years old, he considered it of the greatest consequence that the serious attention of the Government should be directed to the state of the vessels employed.

Mr. *Whitmore* concurred with the hon. Member in thinking it of the utmost importance that vessels containing so many human lives should be proved sea-worthy before they were suffered to leave the country, and he should take the opportunity of drawing the most serious attention to the subject. He wished also to observe, that the colony possessed the advantages of two of the finest harbours in the world, one of them being of a capacity to hold the whole navy of the country.

Sir *Henry Willoughby* was desirous of knowing in what situation the emigrants would be placed if they fell sick, or in case the scheme should fail.

Mr. *Whitmore* said, 160 settlers were anxious immediately to proceed to the colony with ample means, and as no labourers were to be sent out until there was a demand for labour, he thought, having no passage-money to pay, they would, with the assistance of those who were settled there, be adequately provided for.

Mr. *Thomas Attwood* suggested, that it was of the very greatest importance to make some provision for the emigrants, in the event of a possibility of the failure of the scheme. No one would regret the failure of the scheme more than he should;

but all that was in the power of the Legislature to do in such a case was, to take care that those persons who had embarked all their gleanings in such an undertaking upon the security and faith of an Act of Parliament, should not be left to perish in a foreign land. As the scheme was commenced by borrowing, and incurred further debt by creating capital, it was natural to suppose the principal movers of the project would not have a great abundance of means to protect the emigrants in the event of the scheme being wholly unsuccessful.

The House resumed: the Committee to sit again.

TITHES (IRELAND).] Mr. Littleton moved, that the House should resolve itself into a Committee on the Tithes (Ireland) Bill.

Colonel *Davies* availed himself of that moment, in preference to waiting till a later hour, to move a Resolution as an Amendment on the right hon. Gentleman's Motion to the following effect:—" That it is inexpedient that any charge should be made on the Consolidated Fund, in order to carry into effect any of the proposed enactments of a Bill now in progress in this House, intitled ' A Bill to abolish composition for tithes in Ireland, and to substitute in lieu thereof a land tax, and to provide for the redemption of the same." The hon. Member maintained that, whilst the Bill contained nothing calculated to tranquillise Ireland, it would have the effect of imposing a charge of from 1,200,000*l.* to 1,400,000*l.* upon this country and on Scotland. But why, he would ask, were England and Scotland to be saddled with this expense in support of a measure from which they were to derive no benefit? It was on this ground that he moved his Amendment.

Lord *Althorp* said, it was not his intention to enter into anything like a criticism upon the motives which induced the hon. and gallant Member to propose such an Amendment on the question of going into the Committee. But he might be permitted to observe, that the principle of the Resolution had been already debated. He had no hesitation in saying that, if the Amendment were to be adopted by the House, it would be impossible to carry the present Bill, as the proposed advance was necessary, in order to put the machine in motion. He would admit also, that if no other appropriation of Church property were to take place in Ireland, his hon. and gallant friend's Motion might be justified. But a Commission had been appointed to inquire into that property, and if there were some difficulty in repaying the Consolidated Fund, the sum would be well laid out in purchasing peace for Ireland. It was generally admitted, that one great cause of discontent and disturbance in Ireland was the pressure of tithes upon the occupying tenant of the soil, and the Resolution of last night went a great way to remove that evil, by taking off, if not at once, at least as speedily as possible, that pressure, and thereby to prevent those unpleasant collisions between the tithe-proctor and the peasant, which too frequently took place. But this measure it would be altogether impossible to carry into effect, if the Amendment of his hon. and gallant friend were adopted by the House. That hon. and gallant Member had asked why it was, that England and Scotland were to be saddled with an additional expense of 1,200,000*l.* or 1,400,000*l.* in support of this measure, from which, he said, they were to derive no advantage. He would ask the hon. Member why it was, that England and Scotland were now, and had been for a long time, called upon to pay five or six times as much as that sum, in order to try and preserve the peace of Ireland? He would now state, as he had stated on a former occasion, that he had for some time looked with apprehension to a further collection of tithes in Ireland under the old system, and he thought that Ministers had gone as far as they could in endeavouring to prevent the evil. He was happy to state, that the great body of Irish landlords were willing to take the burthen upon themselves; and, from all he had heard since the last discussion, he had reason to know that that feeling extended to many influential Irish Gentlemen, who had not had opportunities of expressing their opinions in that House upon the subject. The effect of this Bill would be to relieve at once the tenant from the payment of tithes, as they would be absorbed in the rent, and must fall upon the landlord, and this he was convinced would be done with little or no increase of rent exacted from the tenant. He firmly believed, that this measure would have the effect of tranquillising Ireland, and that it was, therefore, well worthy of the consideration and support of every hon. Member of that House.

Mr. *Gillon* thought, that the best mode of tranquillising Ireland would be by altering altogether the appropriation of tithes collected under the existing system. The Church property of Ireland belonged, he contended, to the State, and ought to be converted to the purposes of the State, one of which purposes, undoubtedly, would be a due support of an efficient clergy for that establishment. But here was a different measure, a measure which added to the burthens of the country. How could they hope to alleviate the distresses of the people, if, while they were taking off taxation lightly on the one hand, they were laying it on heavily with the other? He was not opposed to the interests of Ireland; on the contrary, he had voted in favour of every measure calculated to give relief to that country. But still he felt that a line must be drawn somewhere, and he would vote to draw it here. He did not see why the people of England and Scotland were to be additionally burthened to support the clergy of Ireland; and, therefore, he gave his most cordial support to the Amendment.

Mr. *Shaw* said, that if the hon. and gallant Gentleman divided the House, he should have his vote—first, because, as the noble Lord (Lord Althorp) had said, the vote of money in question was in support of a Bill for which, although he (Mr. Shaw) had voted for it in its original shape, he was then bound in consistency to oppose it—as its whole essence and character had been changed, and its entire principle abandoned, by the alterations made in it since it had gone into Committee; and so far from being calculated, as the noble Lord anticipated, to tranquillize Ireland, it would, he conscientiously believed, have the very opposite tendency—operating as a bounty upon crime—as the highest premium on violence and outrage—encouraging the political agitators and disturbers of the public peace to hold out the example of successful resistance to one species of property, whenever they might desire to assail another—ay, and perhaps before the next Session of Parliament. The hon. and learned member for Dublin, in subserviency to whose wishes the Government had abandoned their own measure, would turn their timid and temporising conduct in that respect as an argument against the payment of taxes to themselves, if it happened to suit his purpose. He would beg to ask the right hon. Secretary for Ireland, how he reconciled the concession of the Government last night of those provisions of the Bill which were for the purpose of vindicating the law during the five years land-tax, with the opinion which the right hon. Gentleman had uniformly maintained and pressed upon the House throughout the various discussions, and up to the mock division of the night before—that unless the authority of the law was restored in the case of tithes, and that property was rescued from the confusion to which unlawful combination had reduced it—that all law and all authority in Ireland would be put in jeopardy? The answer probably would be, that convenience and expediency required it. But even if the advance of that 120,000*l.* was likely to tranquillize Ireland, instead of producing greater mischief, as he thought would be the case, still he would never lend himself to a fraud upon the English, by accepting that money under the false pretence, that it would be repaid—the period relied upon for the repayment, independently of the violation of principle in so applying it, being altogether insufficient for the purpose. He had cautioned the House last year, that the 1,000,000*l.* then advanced would not be repaid; and he would now ask the noble Lord how, after the alteration made in the Bill by the Amendment of the hon. and learned Gentleman (Mr. O'Connell), and which the noble Lord had supported ["*No, no,*"]—he begged pardon, which the noble Lord had voted against—that 1,000,000*l.* could now possibly be repaid? The noble Lord surely did not mean to put that sum, too, upon the landlords. With respect to the landlords, the noble Lord had just said, that a majority of those in that House had voted for the change made last night. True, a majority in number did; but then he did not believe there was one of that number who much regarded the security or permanency of the Church Establishment in Ireland—nor who, along with the hon. and learned Member (Mr. O'Connell) himself, were not very willing, when they found the ball rolling, to give it a kick, not much caring where it would fall next; but, at all events—sure of one thing—that the real interests of the Church Establishment must eventually suffer from the succession and variety of the expedients and experiments to which they were exposed. Moreover he did not mean to deny, that while on the one hand it was a great injustice to the landlords of Ireland to force them to pay between 200,000*l.* and 300,000*l.* on the 1st of November next, without previous notice or consent—not knowing from whence they were to receive, or however to recover it—still, on the other hand, it was a gross injustice to the Church, for the landlords were eventually to be gainers, —no less than two-fifths of the Church property were to be put into the pockets of the landlords, to which the landlords had not the slightest claim of right. Some of the landlords might have balanced in their mind one injustice against another —although, on every principle of justice, and by the admission of the Government themselves, both were equally indefensible. The House confiscated by one vote two-fifths of the property of the Irish Church for ever—and by another, gave the clergy the fifth of this one year's income as a sort of bribe to part with their inheritance—and this petty, annual grant, he was well persuaded the House had not the least intention to repeat. On these grounds, therefore, of the entire alteration of the Bill, and the double delusion attempted to be practised, he would oppose the grant.

Mr. *Sheil:* The hon. and learned Gentleman says, that he shall support the Amendment of the gallant Colonel; but does he know what that Amendment is? It is proposed to grant the Church the compensation of twenty per cent out of the Consolidated Fund. The Motion of the gallant Colonel is to stop the advance from the Consolidated Fund, although he approves of the deduction of forty per cent from the tithes. The hon. and gallant Colonel asked, why the people of England and Scotland should make this contribution; but I will ask him, whether the nation pays nothing to ministers of the Church of Scotland?—whether 3,000,000*l.* have not been granted for the building of churches in England, Scotland, and Ireland? If you once admit. that the Irish Church is the Church of the State, you admit that the money of the State may be expended upon it. I will not, however, waste any more time upon this point, as the House seems to have made up its mind that, even if the sum were larger, it should be granted for the tranquillization of Ireland? But I have one observation to make with respect to this object. This measure will be conducive to the tranquillity of Ireland, but will not accomplish tranquillity. It is only one of the many leaves that must be turned over before that end is attained. You must make a different appropriation of the Church revenues. It would be a delusion to tell you, that by taking so much from the Consolidated Fund, and reducing tithes forty per cent, you will produce pacification. Forty per cent will not do; you must go further. It would be a foolish piece of hypocrisy to say, that you must not, for the imposture would soon discover itself. You must go further with the Church Temporalities Bill—it would be disingenuous to conceal it. You must strike off more Bishops. There is no use in disguise; twelve Bishops are too much for Ireland. The Primate of Ireland ought not to have 16,000*l.* a-year, which he will have, as the Report of the Ecclesiastical Commissioners will inform you, that his income will be increased by about 6,000*l.* We are now arrived at a point where fair dealing is not only salutary, but, I think, indispensable. Have his Majesty's Ministers—has any one else told you, that the Church of Ireland is to remain untouched? No; and you may depend upon it that in the next Session, Ireland will appear before you, and will, in a voice as strenuous as that she has hitherto adopted, call aloud for a larger, and a fuller measure of Reform. She certainly will. No other expectation has been held out to you from our side of the House—no other expectation has been held out to you by his Majesty's Ministers.

Mr. *Richards* said, that after the speech which had just been made by the hon. and learned member for Tipperary, it became the duty of every honest man to speak out. For now they were told that, no matter what measures they might enact in favour of Ireland, her claims would become louder and louder next year. He felt more in sorrow than in anger at hearing such a statement made by the hon. and learned member for Tipperary. He regretted to hear that hon. and learned Member declare, as he did, that they must reduce the number of Bishops in that country. If the Irish Church was looked upon by the hon. Member as a State Church, the question was different; but if it was looked upon as a religious

Church, as the Church of England was, and as he (Mr. Richards) felt the Irish Church was, or ought to be, then he would say, that the Legislature was bound to preserve and support it. He would say, with respect to that Church, that the time was come when every Member of that House ought to speak out. He would propose, therefore, that the whole of the Irish clergy should be properly provided for out of the Consolidated Fund, and that the whole of the Irish Church revenue should be confiscated to the uses of the State; and further, that the landlord should, under certain regulations, be compelled to pay the tithe. He would continue this system during the lives of all the existing clergy of the Church Establishment, after which he would recommend that the support of the whole of the clergy should be left to the principle of voluntary contribution. He would press this upon the House, and would call upon them to look for a moment at the means of support provided for the Roman Catholic clergy, and then to ask themselves whether the Protestants or other dissenting congregations would be less willing to provide for their clergy than the Roman Catholics were.

Mr. *Lefroy* said, that it appeared to him, that there was no great difference between the two hon. Gentlemen, (Mr. Sheil and Mr. Richards), or, if any, it amounted to this, that one wished to destroy the Church at once, and the other was satisfied to effect a like object by instalments. He could not avoid stating, how greatly he felt obliged to the hon. and learned Gentleman, the member for Tipperary, for the candid statement which he had just made; and he would put it to the conscience of English Members, whether they would vote for this measure, which was introduced under the pretence of tranquillising Ireland, after hearing the declaration of the hon. and learned Member. The hon. and learned Member, however, had only told the House that which was well known out of doors, but had on other occasions been avowed by him and his colleagues within the walls of that House, that no concession, short of the total destruction of the Protestant establishment in Ireland, would satisfy them. The concession now made, would only have the effect of bringing a more clamorous call upon the House, for the purpose of extinguishing the remainder. The hon. and learned Gentleman had plainly told you how the vote of last night, which extinguished two-fifths of the tithe, would be received, and that nothing had been in point of fact done unless the remaining three-fifths should be appropriated to what he called national purposes. In the course of last Session twelve Bishoprics were sacrificed, and the hon. and learned Gentleman now called for a further sacrifice. The hon. and learned Gentleman told the House, that the income of the Lord Primate was too large, and that it must be reduced. He had rated it at 16,000*l.* a-year, whereas the income of the primacy was only 10,000*l.* a-year. But when hon. Members were informed that that distinguished prelate expended in his own diocese 30,000*l.*, he would ask, whether the House would respond to the call of the hon. and learned Gentleman (Mr. Sheil) still further to reduce the Lord Primate's income? He would take the liberty of correcting a statement made by the noble Lord, the Chancellor of the Exchequer, with respect to the Perpetuity Fund; that fund was appropriated by the Temporalities Act of last Session. It was no more a disposable fund than any other part of the funds vested in the ecclesiastical Commissioners, The Vestry-cess was taken off last Session, and to meet the deficiency occasioned by that measure, this Perpetuity Fund was in truth the only available and present provision, with the exception of about 10,000*l.* per annum, arising from three suppressed bishoprics, which had fallen in, The outgoings of the Commissioners was 66,000*l.* per annum, for repairs of Churches, and other objects formerly provided for by Vestry-cess. To meet this, they had only those funds, which it was therefore a perfect delusion to look to for reimbursing the Consolidated Fund. Indeed the Commissioners were themselves suppliants to Parliament at that moment, for the sum of 100,000*l.*, to enable them to discharge the duties imposed upon them. The House was told, that the Consolidated Fund would be reimbursed out of the Perpetuity Fund; but so far from any reasonable hope existing that such would be the case, he had received accounts from Ireland, stating that a great number of churches were out of repair, that the Church servants and officers were unpaid—and amongst others, he might mention the case of a parish Church in Dublin, the roof of which was in a dilapidated state. Various applications had been made to the Commissioners for assistance; but the answer was, that they had no funds until they got aid from Parliament. It was, therefore, only misleading the House to tell them that these Commissioners had funds enough in hand to reimburse the Consolidated Fund. If the tithe property in Ireland (and was it not as much property there as in England?) had been levied, there would have been abundant funds for the payment of the clergy, without coming to Parliament for the vote which was the subject of the present discussion. He was sorry to say, that the principles of all property were sacrificed by this course of proceeding: agitation had had its reward; and conspiracy against the law had been successful. The Church was now in such a state, that it would be impossible to restore it to the situation in which the present Government found it. If the landlords were to be burthened, as by the vote of last night they were to be, by the payment of the rent charge; if they were to suffer the odium consequent upon being tithe collectors, without those powers which the Government could exercise (and the very name of the Government would be of itself effectual in levying the tithe); if, he repeated, the landlords were placed in this situation, they would be reduced to the alternative of either paying the money out of their own pockets, or concur with the people in resisting the payment altogether. He thought the present measure one of the most mischievous with regard to the Church—one of the most unjust towards the landlords of Ireland—that ever passed a British House of Commons. He would add, that it would not in the end be a benefit to the people—it would only give an opportunity for increasing their rents. The average of the tithe throughout Ireland did not exceed a shilling an acre; and he would ask any man acquainted with that country, if he believed the increase of rent, which would be put on in lieu of the abolished tithe, would rest at that amount? Under these circumstances, he should feel it his duty to oppose the Bill. He should not only feel justified, but bound to support the Motion of the hon. and gallant Colonel as the noble Lord opposite (Lord Althorp) had avowed that, if it were carried, the Bill must be lost.

Mr. *Ward* observed, that the question was, whether the House was prepared to unsay all it had said, and undo what it had done, for the last six months? By the Motion of the hon. member for Middlesex the principle had been decided, and the House had confirmed it by the vote of last night. He opposed the Motion of the hon. member for Worcester, because it was bad in principle and worse in practice. It was bad both as a measure of expediency and as a measure of economy, and it would protract the present unsettled state of Ireland.

Mr. *Finch* felt strongly inclined to support the amendment moved by the gallant Colonel for two reasons—first, he thought that it was hardly fair that the people of England should be called upon to make a payment of 130,000*l.* a-year for the benefit of the Irish landlords—and secondly, he objected to the principle of the payment. The noble Lord opposite had more than once insisted upon the marked distinction between the payment of tithe and the payment of a rate or tax. The former was property; it could not honestly be withheld; it did not belong to the landowner, who never purchased it; and the payment of it, therefore, by the Roman Catholic or Protestant landed proprietor violated no principle of conscience. But what had caused the great outcry against Church-cess and Church-rates? The principal objection raised against them was, that they were a tax, and that it was a violation of conscience to compel any man to pay taxes for the support of a religion from which he dissented. The payment proposed by the noble Lord, the Chancellor of the Exchequer, was not to be made directly to the landlords. They, forsooth, were so magnanimous that they would not condescend to appeal to that House for remuneration; some of them, however, had no objection to putting their hands into the pockets of the clergy and taking out twenty per cent; and hence, the proposed payment was to be made to the clergy of the Irish Establishment. To this the Dissenters of England would never consent. The noble Lord, however, referred to a new appropriation of the Church revenues of Ireland as a remunerating fund to the British public. Was, then, the question prejudged and decided? A Commission of Inquiry had been appointed—were they not to wait for its Report before they legislated respecting the Irish Church. The hon and learned member for the University of Dublin had said truly, that it was a delusion to expect that the existing funds, in the hands of the Commissioners, were sufficient to replace this sum of 130,000*l.* He contended, that it was an equal delusion to suppose that any measure of Church mutilation could be grounded next year upon the Report of the Commission of Inquiry, which might furnish a revenue for this end. The inquiry thus instituted could not, by the nature of things, present Parliament with a true and accurate Report of the religious condition of the people of Ireland, or of the relative population. That the Commissioners would honestly and honourably endeavour to give a faithful Report, he had not a shadow of doubt but the state of Ireland, and the system of intimidation which prevailed in that unhappy country, forbade any hopes of success. The first step to be taken by them was to circulate certain questions to the Protestant and Roman Catholic clergy. He had seen the questions, and did not consider them as very objectionable. The answers returned by the Protestant and Roman Catholic clergy must, by the nature of the case, essentially differ. In the south of Ireland, a great part of the Protestant population, who found safety in retirement, were unknown to the priests—a vast number of the Roman Catholic children who attended scriptural schools, did so secretly, lest their parents should be deprived of the rights of the Church. Only three months ago he read a report of an Irish school chiefly composed of Roman Catholic children, which related that the priest's approach having been announced, the children jumped out of the window, and when the priest had departed, they scrambled back again. Hon. Gentlemen seemed to doubt that a system of intimidation existed. Aware that this statement would be denied by the Roman Catholic Members of this House, he had furnished himself with testimonies of the fact. He had written to several clergymen of the Establishment, and Presbyterian ministers, who had been labouring in the dissemination of scriptural truth among the Roman Catholics of Ireland, and with the permission of the House he would recite some portions of their letters. He made inquiry of them upon three points—first, whether undue means were employed by the Romish priesthood to oppose the diffusion of scriptural instruction? Second, whether there was liberty of conscience? Third, whether the principles of Protestantism were advancing and propagating? Their unanimous reply was, that undue means were used by the Romish priesthood to impede scriptural education and the reading of the Bible—that liberty of conscience was denied to Roman Catholics—that converts from Romanism were exposed to constant persecution—and that, notwithstanding, the diffusion of Protestant principles was daily advancing. The first extract that he should read, was from the letter of a Presbyterian clergyman, a man of the most undeniable Christian piety—a Presbyterian, and, therefore, disinterested upon the subject of tithes; a witness perfectly competent to give good testimony, as he had been for twelve years engaged in diffusing scriptural education—had been connected with 700 Roman Catholic scripture readers—and had assisted in teaching to read, in the Irish language, 40,000 adult Roman Catholics. The following was an extract from his letter:—'A poor 'man, named Martin, had his house, 'through the hostility of the priest, pulled 'down. He and his aged mother were 'left without a shelter, for no other reason 'than because he was a Bible reader and 'teacher. Many in the parish would have 'given him a shelter—but, from the or'ganized system of intimidation that ex'ists in Ireland to a fearful extent, they 'dare not. Under these circumstances, 'by permission of the Protestant Bishop 'of Meath, having no other place whither 'the influence of the priest did not ex'tend, we built for poor Martin a school'house in the Protestant Church-yard. 'There, for some time, he taught; but 'some months ago, when returning from 'Kingscourt to his solitary cabin amongst 'the tombs of the dead, he was waylaid, 'and so abused, that he died shortly after'wards. Nor is poor Martin the only 'victim to this murderous system, which 'is so familiar to us in Ireland. I was 'intimately acquainted with three others 'in my vicinity, who because they per'severed in teaching in Bible schools, 'were murdered also. One of them named 'M'Claher, in the open day, within a 'quarter of a mile of the Presbyterian 'Church of which I was then minister, 'had his brains dashed out, and his tongue 'cut off—the savage perpetrators exclaim-

'ing at the time, "this fellow will no more 'preach the scriptures to the people!" 'Out of several hundred Roman Catholic 'schoolmasters, who are teaching Bible 'schools under my superintendence, there 'is scarcely one of them who has not been 'publicly denounced from the altar; 'many of them bear on their bodies the 'marks of violence and abuse. These are 'not mere statements on paper; at any 'time or manner required, I can establish 'these facts by the testimony of these men 'themselves, and a hundred other wit'nesses.' [*Laughter.*] He was sorry to find such melancholy details give rise to laughter; but he was willing to believe that it arose not from insensibility of feeling, but from the notion that these extracts were inapplicable to the question. And yet it appeared to him that they bore directly upon the question; for if the British public were to be deluded by the idea that they were to be recompensed for the payment out of the Consolidated Fund by a new appropriation of the Church revenues —and the noble Lord must have meant that, for he said, "If, indeed, no new appropriation were to take place, there would be some strength in the gallant Colonel's argument"—and if the Report of the commissioners would not be entitled to full credit, and if a great part of the evidence which it contained would be hostile to a new appropriation—then it was surely important to show, that the British Legislature would not legislate without a supplemental inquiry by Committee, he felt fully confident. He trusted that early in the next Session the noble Lord would grant a Committee of Inquiry into the religious condition of the people of Ireland; at all events, in another House, such a Committee must be instituted previously to their consenting to mutilate the Irish Church Establishment. The result of that inquiry would be precisely the reverse of what was expected by the noble Lord. There never was a time when the prospect of Protestantising was so favourable. They did not hear of many avowed conversions, by reason of persecution; but the principles of Protestantism were every day disseminating themselves. As for the Roman Catholic system, it was gone; it might linger a certain period, but its vitality was gone; agitation had destroyed it. The power of the Romish system was based upon the stagnation of intellect. The moment that a man exercised his judgment upon matters of faith, he ceased to be a Roman Catholic. There were various kinds of agitation; there was predial agitation, and the agitation of civil war; and there was intellectual agitation. The agitation of the hon. and learned member for Dublin, and his friends, had been in great part intellectual agitation; he has appealed to the people of Ireland by the Press, by letters and by speeches. The Roman Catholics of Ireland were an educated, and, thanks to the hon. and learned member for Dublin, they were a thinking people. The mighty energies of the mind, when once let loose, could not be again unchained. In England, religious inquiry and freedom led to political inquiry and freedom; in Ireland, political inquiry and freedom would conduce to religious inquiry and freedom. [Mr. Langdale, a Roman Catholic, the member for Beverly, dissented.] He (Mr. Finch) thought, that he could prove that position, even to his satisfaction. It would be universally admitted that the same cause, exercised upon the same materials, was calculated to generate the same effects. Forty years ago no people were more truly attached to their religion than the Italians; since that period they had experienced constant political agitation—and what was the state of religion, at present, in that country, as described by the present Pope? Nothing upheld Romanism in Italy but the arm of the civil power. He objected to the grant upon another ground—the same which had been taken up by the hon. and learned member for the University of Dublin; it was not calculated to pacify Ireland. He was grateful to the hon. and learned member for Tipperary for his frank avowal that the Roman Catholic party in Ireland would next year demand the destruction of more bishoprics. He only spoke the language of the Romish priesthood. What was declared by their mouthpiece, Doctor M'Hale, in his celebrated letter to the Bishop of Exeter? The following were his words:—"After all the evils it (the Established Church) has heaped on this devoted land, it is some consolation to reflect that the legislative axe is laid to the root of the establishment. The pruners of the ecclesiastical vineyard have not read the Roman history in vain; and ten of the lofty plants, which poisoned by their narcotic influence the wholesome vegetation, are already laid low. This, doubtless, is a prelude to a further and more enlarged process of expurgation. With every successive measure of reform, existing abuses will be removed, until, it is to be hoped, not a vestige of the mighty nuisance will remain." The Roman Catholic party demanded the utter destruction of the Protestant establishment; his Majesty's Ministers were only prepared for its partial demolition. How hopeless, then, the expectation of tranquillizing Ireland by their measures. The endeavour to satisfy the Roman Catholic party would cost a British Minister his head. That party sought not only the utter subversion of the Established Church, but the restoration of the forfeited estates. The hon. member for St. Alban's who laughed at his remark was well acquainted, he doubted not, with the opinions of the Roman Catholics of Mexico; but the hon. Member must pardon him if he said that he was very little acquainted with the sentiments of the Roman Catholic party of Ireland. He said, the Roman Catholic party, for with respect to the mass of Irish Roman Catholics, he felt bound to testify that they were generous, kind-hearted, and would be loyal, but they were driven and persecuted by a factious minority into their opposition to the laws. The priests had identified the wrongs of the clergy with those of the laity, heretofore for their own purposes, and they dared not separate them at the present day. Did the noble Lord expect by his measures to satisfy the hon. and learned member for Dublin? He might as well expect, by casting a few morsels of meat, to satisfy the appetite of a hungry lion. There could be no present tranquillity to Ireland; that divided country could never be tranquil unless it became a Protestant country. It was said, that Ireland was not to be governed by union with a party. Could any country be governed without union with a party? Even in despotic countries, society was divided into the honest and dishonest, the peaceable and the turbulent, the well-affected and the disaffected; but in every free country, there must be adverse parties. In Ireland his Majesty's Government had two parties presented to them, the one desired to uphold the laws, the Church, the present settlement of property, and the connexion between the two countries; the other party opposed the laws, aimed at a new settlement of property, desired the destruction of the Established Church, and a Repeal of the Union. Upon these facts there could be no doubt. For these reasons he should vote for the Amendment.

Mr. *Lynch* observed, that the topics adverted to by the hon. Member were not in question before the House. That concerned Ireland, not Italy and the Pope. The only question was, whether the Consolidated Fund should be charged to make up the deficiency from deducting forty per cent from the tithes. With regard to the interest of Protestantism in this question, he (Mr. Lynch), if he had been a Protestant, should have attributed the non-expansion of the Protestant religion to the Irish Established Church. He was sorry that the appropriation principle was not adopted in the Bill; but a great point had been gained by removing the tithe oppression from the occupiers; and if the object of the Bill could not be attained, except by charging the Consolidated Fund, he was ready to go that length. He, therefore, should oppose the Amendment.

The House divided on the Amendment: Ayes 14; Noes 78: Majority 64.

List of the Ayes.

Attwood, Thomas
Blake, M. J.
Brocklehurst, John
Curteis, Captain
Darlington, Earl of
Dillwyn, L. W.
Finch, G.
Hawkins, J. H.
Irton, Samuel
Lefroy, Serjeant
Richards, J.
Shaw, Frederick
Vigors, N. A.
Vincent, Sir F.

TELLERS.

Davies, Colonel
Gillon, W. D.

The House went into a Committee.

On it being proposed to strike out clauses 3 and 4,

Mr. *Christmas* observed, that he was much in doubt, whether the tranquillity which was expected would follow on this measure. It would put the landlord in collision with his tenant on a point which ought to be the subject of amicable arrangement between them. The hon. member for Dublin, whom he did not see in his place, he supposed was satisfied with the present Bill. He did not like to speak harshly of the Government; they had been charged with thimble-rigging, and he could not but think that they had been guilty of a cross. To be sure he did not know it; but there had been so much done behind the scenes lately. The hon. and learned member for Dublin, he repeated, could, when it suited his purpose, speak very strongly on the impolicy of putting discord between landlord and tenant. He thought that the farmers of Ireland would not understand the Bill, but Government ought to let them understand that sixty per cent should be paid on tithe. He would not divide the House, as he did not think that it would be of much service; but would be satisfied with the expression of his dissent to this proposition.

Clauses struck out.

On Clause 34 being put, Mr. Sheil moved that it be struck out.

The Committee divided — Ayes 15; Noes 83: Majority 68.

Several Clauses were postponed. The House resumed: the Committee to sit again.

HACKNEY COACHES.] Mr. Alderman Wood moved, that the House go into Committee on the Hackney Coach Bill.

Mr. *Hawes* thought the Bill required so many alterations, that it would be impossible to amend it.

Mr. *Warburton* said, that the complicated nature of the measure, and the lateness of the Session, would prevent the Bill passing this Session.

The House divided—Ayes 21; Noes 41: Majority 20.

HOUSE OF COMMONS' OFFICES.] Mr. Guest moved, that the House resolve itself into a Committee on the House of Commons' Offices Bill.

Mr. *Hughes Hughes* opposed the Motion, on account of the lateness of the hour, and also on account of the late period of the Session.

The House divided—Ayes 49; Noes 1: Majority 48.

The House then went into the Committee. The first Clause proposed to reduce the salary of the Speaker from 6,000*l.* to 5,000*l.* a year, but not to affect the present Speaker.

Mr. *Hughes Hughes* wished to know what part his Majesty's Government meant to take upon this clause.

Lord *Althorp* said, that as the highest salary paid to any of his Majesty's Ministers did not exceed 5,000*l.*, he saw no reason to induce him to object to the recommendation of the Committee, which proposed to cut down the salary of the Speaker to 5,000*l.* a-year.

Mr. *Thomas Attwood* thought, that the salaries of all public officers should be reduced to the level of 1791. When the House was deprived of the services of the present Speaker, the proper time would arrive for legislating on the amount of salary to be paid in future to that high functionary.

Mr. *Hughes Hughes:* Was the Committee aware that, in 1832, the House had abolished the fees paid to the Speaker, and raised his salary in consequence to 6,000*l.* a-year? He thought that it was beneath the dignity of the House to be legislating every two years on the amount of salary to be paid to its chief officer.

The *Lord Advocate* asserted, that the salary had not been altered since 1790.

Mr. *Thomas Attwood:* What was it in 1790?

The *Lord Advocate:* The same as at present.

Mr. *Thomas Attwood:* Then don't reduce it.

Mr. *Edward Ruthven* did not think the salary of 6,000*l.* too great, considering the great increase of attendance and labour which the Speaker of late years had consented to undergo.

Mr. Alderman *Thompson* moved, that "6,000*l.*" should be inserted in the clause, instead of "5,000*l.*" Though 5,000*l.* a-year was the highest salary paid to any Minister of the Crown, there was no Minister that had to perform such arduous duties as the Speaker. He called upon the Committee to consider the great expense to which the Speaker was put in maintaining the dignity and hospitality of his high office. He looked upon this clause as a specimen of very ill-judged and very paltry economy, and he should certainly give it every opposition in his power.

Mr. *Thomas Attwood* said, that, as the Speaker had to perform more labour now than he had to perform in 1790, he did not see any reason why he should receive less hire.

Mr. Alderman *Wood* was of opinion, that his constituents would feel no objection to paying the Speaker 6,000*l.* a-year.

Mr. *Hughes Hughes* reminded the House, that there were officers of the Crown receiving larger salaries than 5,000*l.* a-year. The Lord Chancellor received more—the Lord Chief Justice of the King's-bench received more. The salary of this last officer had lately been reduced from 10,000*l.* to 8,000*l.* a-year. Now he should have no objection to raise the Speaker's salary to

8,000*l.* a year; but he had every objection in the world to reduce it to 5,000*l.* a-year.

Mr. *O'Reilly* would never support that economy which, by reducing the salaries of high and important offices below their due remuneration, should place the offices themselves in the hands of men of large fortune only. He thought that 6,000*l.* a-year was not too large a salary for the Speaker.

Colonel *Williams* was understood to support the reduction. The Speaker was certainly put to great expense by the number of dinners which custom compelled him to give in the course of a Session. Now, he had never been a friend to eating and drinking at the public expense, either in select vestries or corporations; and he thought that if the Speaker were to be exonerated from giving these dinners, 5,000*l.* a-year would be sufficient to enable him to support the expenses of his station.

Mr. *George F. Young* said, that as a comparison had been drawn between the amount of salary paid to the Speaker and that paid to the Judges, he would remind the Committee, that the Judges were employed all the year, and the Speaker only during a part of it; besides, the Speaker had the advantage of an official residence.

The Committee divided:—Ayes 36; Noes 18: Majority 18.

The other clauses of the Bill were agreed to, and the House resumed.

HOUSE OF LORDS,

Friday, *August* 1, 1834.

Minutes.] Bills. Read a second time:—Spring Quarter Sessions.—Read a third time:—Bribery.

Petitions presented. By the Earl of Aberdeen, from several Places, for Protection to the Church of Scotland.—By the same, the Earl of Verulam, Viscounts Melbourne and Beresford, Lord Redesdale and a Right Reverend Prelate, from a Number of Places,—for Protection to the Church of England, and for that of Ireland, against the Separation between Church and State, and against the Claims of the Dissenters.—By the Duke of Gloucester, the Archbishop of Canterbury, the Bishop of Gloucester, and Lord Redesdale, from the University of Cambridge, and from a Number of Places,—against the Universities' Admission Bill.

Conspiracy in Ireland.] The Marquess of *Westmeath* presented a Petition from the Reverend Sir Harcourt Lees, stating, that he had discovered a plot for the massacre of all the Protestant Clergy of Ireland, which was to be followed by a general rising of the Papists of Ireland, directed by the Jesuits, by which rising, the possession of Ireland was to be transferred to the Catholics. The petitioner complained of the House for inattention to his warning, which he said he now gave for the last time, and prayed to be heard at the Bar of the House in support of the statement contained in the petition. The noble Marquess said, that at the time when he was a well-meaning dupe upon the subject of the Roman Catholic Emancipation, he had thought the reverend Baronet was an enthusiast. He now believed that there was more reason in the hon. and reverend Baronet's opinion than he had then supposed. Their Lordships appeared to be of the same opinion that he had formerly been; but that arose from an infirmity of human nature; they were not willing to entertain a belief, that the security and the repose which they now enjoyed could possibly be disturbed. A most unnatural union had taken place between the Dissenters and the Roman Catholic party of Ireland. The feelings of the Dissenters overcame their principles, and they were ready to do anything rather than not attack the Church which professed almost the same religious principles with them, and was, in fact, the foundation on which they built their doctrines. He was afraid that it was now too late in the Session to move for an inquiry into the facts which were stated in the petition of his hon. and reverend friend; but that there was some ground for the opinion expressed in that petition, he thought could not be doubted by those who observed what were the sentiments now expressed by the Catholic party. He wished, upon this subject, to refer their Lordships to a speech which had been delivered yesterday at a public dinner, and which to his mind fully proved the assertion in the petition, that the subversion not only of the Church, but also of the Government of Ireland was intended. The noble Marquess said, that he was almost ashamed of reading such a passage, but that he thought their Lordships ought to be aware of it, when they would be convinced that the petition was perfectly dispassionate in its statements. He then read from *The Morning Chronicle* the following passage from Mr. O'Connell's speech delivered at the dinner given on the day before to Mr. Duncombe: 'The great evil was, that these Lords 'stood between the people and their liber- 'ties. They put their long spoons into 'the people's plates, and took away with 'them the benefits of the people's industry. 'Let the people be up and stirring. The 'hereditary Legislative body ought to be 'done away with. Both Houses ought 'to be the Representatives of the people. 'Two Houses of Parliament elected by 'the people, were necessary to give fixity 'to the liberties of the people.' Such language could only be interpreted to mean an excitement for the people to overturn the Houses of Parliament. Connecting that language with the argument in the petition, he was convinced that there was some justification for apprehension; and if it had been earlier in the Session, he should have moved their Lordships to call on the reverend Baronet to substantiate the statements in his petition—statements, which, as an honourable man, the reverend gentleman would never have made, if he had not the means of proving them.

Petition laid on the Table.

ADMISSION TO THE UNIVERSITIES.] The Earl of *Radnor* rose to move the second reading of the Bill for admitting Dissenters into the Universities; in doing which, although the principle of the measure had been so frequently discussed, he should feel it necessary to trouble their Lordships with a few remarks upon the subject. It was a matter of regret to him, that he had been requested to undertake the task of forwarding that Bill in their Lordships' House; not that he entertained any doubt in his own mind as to the necessity or justice of the measure, but because, in the state of opinion in that House upon the subject, he felt a want of ability to recommend the subject to their Lordships in the manner it deserved. He hoped, however, that their Lordships would bear with him while he occupied their time in shortly stating, what were the objects of the Bill. The object of the Bill was truly expressed in its title—it was a Bill to relieve the Dissenters from certain restrictions which prevented them from resorting to the Universities of England, and proceeding to degrees therein. As he understood, this Bill was introduced in consequence of a number of petitions of considerable importance that had been addressed to both Houses of Parliament, praying that such a Bill as this might pass, and that all the measures which were now adopted for the exclusion of Dissenters from taking degrees at the Universities, might be abolished. Their Lordships were aware that the two Universities stood on different grounds in this respect, and that the regulations for the admission of Dissenters were not the same in both. In one of them—namely, Cambridge—a young man might be admitted without subscribing the Thirty-nine Articles, and without taking any step which was to show whether or not he was a Dissenter. At Oxford, there was a different regulation, and there, a youth must, before admission, declare what were, or were not, his religious opinions. In Cambridge, a man might, up to a certain extent, partake of the benefits of the education to be obtained there, without a profession of faith; but in Oxford he could not have that advantage. The matter with respect to the two Universities, must therefore be argued upon different principles. He should first endeavour to dispose of the case with regard to Cambridge. He understood that it frequently happened there, that persons who were known to be Dissenters had entered and studied at the University, and had taken some of the honours, and were allowed to proceed till they came to the taking of degrees, when, as the Illustrious Duke had told them, such persons were prevented from proceeding further. The petition which the Illustrious Duke had just presented, had spoken of the inconveniences that would follow the admission of Dissenters to the University; and as he understood the practice to be what he had stated, he had asked the Illustrious Duke whether, in fact, known Dissenters were not admitted at the University, although they were prevented from taking degrees there?

The Duke of *Gloucester:* We do not know them to be Dissenters till then.

The Earl of *Radnor:* That showed, that no inconvenience arose from their admission. Many of these young men, though they did not do any formal act to show that they were Dissenters, were yet known to be so, and no inconvenience followed their admission to the University; and many of these persons qualified themselves to receive the honours of the University, and did receive those honours up to a certain extent, without being called on to subscribe the Thirty-nine Articles. These young men had been good members of society; they had pursued their studies with advantage to themselves; they had conformed to the rules of the University, they had distinguished themselves by their industry and good conduct, and yet they had not been allowed to take degrees at the University, because they did not subscribe the Thirty-nine Articles of the Church of England. He thought that this was a great hardship upon these young men. They had done everything they could, by studious conduct, and by conformity to the rules of the University, to merit the reward which it was in the power of the University to bestow; and he thought it a great hardship on them, that merely for a difference in religious belief, they should be refused those degrees which were a proof of skill, and knowledge, and which would consequently confer many advantages on them in the business of life. He could not understand what injury the University could receive from admitting to take degrees, persons who had thus qualified themselves to receive those honours, by their studious habits and their known good conduct. With respect to the University of Cambridge, it appeared to him, therefore, a matter of hardship to those Dissenters to whom the University refused degrees, from no other motive than their declining to subscribe certain Articles of Faith, from a conscientious scrupulousness, which ought rather to be respected than punished. With respect to the University of Oxford, the matter must be looked at in a different point of view. In that University a young man could not matriculate till he had subscribed the Thirty-nine Articles. The fact, that such was the rule at Oxford, had been urged the other day, as an argument against admitting any persons to the Universities, without their first subscribing these Articles. But, in fact, in Oxford itself, this restriction applied only to persons beyond a certain age; within that age a person might matriculate at Oxford without making the subscription. Very few, perhaps in these days no one, did matriculate at that early age which would exempt them from making the subscription; but persons might do so. But, as no inconvenience followed the matriculation of Dissenters at Cambridge, it was clear that none could follow it at Oxford; and at all events the experience of the one case would justify the experiment in the other, and would warrant the belief that no evil would arise at the University of Oxford, from following the example of Cambridge. It was only an act of justice to allow those whose fortune and situation in life enabled them to send their sons to that university to receive their education there if they wished it. To do this would only be to follow out the necessary consequences of the measures which had lately been passed for the repeal of the Test and Corporation Acts. When the Legislature repealed those Laws which prevented men who were not members of the Church from attaining the highest honours of the State, it was a natural consequence of that repeal, that the Legislature should no longer prevent those men from obtaining that education, those habits, and those manners, which would fit them for such stations. To fit them for those stations, a liberal education was indispensable, and therefore it seemed to him that when they opened high office to persons of this description, they were bound to enable those persons to qualify themselves properly for such office. The Dissenters, not less than the members of the Establishment, were anxious to attain eminence in the learned professions; and it appeared to him most unjust to interpose any bar to their progress. In some of those professions, a University education was decidedly required. In the profession of the law it was of great advantage to any man that he should have been educated at the University. In the medical profession it was indispensable; for no person could act as a physician within the limits of the metropolis, and within a certain distance from it, without having obtained a degree at the University. But it was said, that the College of Physicians and the Inns of Court might alter their regulations; and so they might; but he had inquired the reason why they did not, and he begged their Lordships to remark the answer. He was assured, that those learned bodies had established the regulations in question in order to have a security that the individuals who applied for admission to the bar or into the College of Physicians were worthy of the admission; and what better security could they have than the testimony of those who had superintended the education of the aspirants? He, therefore, thought it a great hardship on Dissenters, that on account of their religious opinions they should be excluded from those degrees which were the passports to the bar and to the medical profession.

The Dissenters wished not to pull down the Universities, but to be admitted to the Universities to receive the benefit of the education which the Universities could give, and he did not think it a matter of policy in the Legislature to check that wish, if it could be granted without disadvantage to the Universities. He did not imagine that this Bill would be so strongly opposed, though he was aware that those who were prepared to oppose it, conscientiously believed that it could not be granted without danger of great inconvenience to the Universities. It was on that point that the great stand was made; on that ground it was, that, as a matter of supposed precaution, the subscription to the Thirty-nine Articles was required. It had been debated on a former occasion whether it was fit and proper that the subscription to these articles should be required from quite young men; and it was then stated, that the subscription meant nothing at all but that the subscribers belonged to the Church of England. But those articles, so subscribed, contained very many things of which the subscribers most probably knew nothing, and he could not help feeling, as strongly as possible, that nothing could be more improper, nothing could be more disgraceful, than to require the subscription of those articles by very young men. It was alleged on a former occasion, that according to the statutes of the University of Oxford, nothing more was meant at the time of subscription than a general declaration that the subscriber was a member of the Established Church. Such was the statement of the right reverend Prelate. It did, however, appear to him, that the statutes of the University proved exactly the contrary position. To show this, it was only necessary to look at the statutes which regulated the University. It would be there found, that persons above the age of sixteen must subscribe the Thirty-nine Articles, and take the oaths of supremacy and allegiance; that those under the age of sixteen, and above twelve, should be matriculated on subscribing the articles, without the oaths; and in the next line they found, that those under the age of twelve might be matriculated without subscribing at all. It appeared, then, that the University itself had fixed a certain age, and the inference was, that a certain degree of knowledge was expected on the part of those who subscribed the Thirty-nine Articles. Above the age of sixteen, the Thirty-nine Articles were to be subscribed and the oaths were to be taken; under the age of sixteen, and above twelve, the articles were to be subscribed without the oaths; and below the age of twelve no subscription was required. This was what he had alluded to on a former evening, when the right reverend Prelate stated, that nobody could be matriculated without subscribing the Thirty-nine Articles. The statutes expressly said, that under the age of twelve, individuals should be admitted without signing the Thirty-nine Articles; but that when they had reached a certain age, they were bound to subscribe them, and to make the required declaration, or else to undergo the penalty in that case provided. In his opinion, that showed distinctly, that the University expected some knowledge of those Articles on the part of those who signed them. If it were otherwise, why fix on the age of twelve? Without that were the object, he could not understand it. How far it was likely that a young man turned of sixteen, or a boy above twelve, could be expected to understand the Thirty-nine Articles, he would leave others to consider. It had been stated, over and over again, that the young men who signed the Thirty-nine Articles, who did not, perhaps, understand anything contained in them, only made a declaration, that they were members of the Established Church. He denied that this was the fact. The articles clearly pledged them to many important points; and he would ask of their Lordships whether it was fair and just, that lads of sixteen or seventeen should be called upon to pledge themselves to the Thirty-nine Articles? There was no young man of that age that could understand those Articles; he did not when he entered college; yet all were required to put their names to them; and, as he thought, they were considered by the statutes as understanding them, though the thing was next to impossible. It had, however, been said, and repeatedly said, in that House, that the articles were afterwards explained to them. This really meant nothing; for whether they ultimately approved of them or not, they had in the first instance assented to them, and it was almost impossible for them to recede. He did object most strenuously to this system. He thought nothing could be more disgraceful to the University itself, or to those who gave this tardy explanation, than the calling first for a subscription to the Thirty-nine Articles, and afterwards, when that point was achieved, explaining those Articles. He confessed that he could not say which was the greater hardship to the individual, or the more disgraceful proceeding on the part of the University, the calling on a young man to subscribe his name to the Thirty-nine Articles, under the impression that it did not signify what the form meant, and at a future time explaining those Articles, to which, whatever he might think of them, his interest then rendered it necessary that he should adhere. The young man acted on compulsion. He could not help himself. His father or his guardian took him to the University to be matriculated, he signed his name to the Thirty-nine Articles, and though he might be informed by the Vice-Chancellor or by some other person, at a future day what was the nature of that which he had signed, but of which at the time of signing he knew nothing, that made no difference, and he must assert, that he could not see which of the two—the making a boy sign before he knew the meaning of the Articles, or requiring him afterwards to sign, under a penalty—was the most disgraceful part of the transaction. The young man was induced to sign in the first instance; and perhaps long after that step was taken, when he could not recede, he was informed of the nature of what he had signed. The members of the University of Oxford appeared to labour under a great apprehension, that if this subscribing to the Thirty-nine Articles, at the time of matriculation were not enforced, admission would be given to atheists and sceptics, and that all sorts of polemic discussions would be carried on amongst them. The remonstrance of the University of Oxford pointed out the mischief which it was supposed would arise from the disputes to which the admission of Dissenters would give birth. The declaration also, which was signed by many persons, strongly deprecated this measure, which it was asserted would lead to the most disastrous consequences, would unsettle the minds of the young members of the University, would tend to reduce religion to an empty name, or subvert it entirely, and place infidelity in its stead. [*"Hear, hear."*] The noble Duke cheered that sentiment. But such had not been the effects at Cambridge, where no subscription was called for on matriculation; such was not the case in Dublin. Why, then, should such an effect be produced in Oxford? The noble Duke, the Chancellor of Oxford, had, on a former occasion, used the word "atheist," and expressed his opinion that a measure of this kind would be the means of admitting atheists, and sceptics, and schismatics, into the University. Now, he demanded, would the subscription to the Thirty-nine Articles prevent atheists (though he believed that there was no such fool in existence), or sceptics, or schismatics, from entering the University? If an individual wished to come for the purpose of disputation, or to attain an ascendancy over the minds of other young men, would he be deterred from taking that course on account of subscribing the Thirty-nine Articles? Not at all. He could subscribe to those Articles, and set the statutes of the University at defiance. An atheist would say, "I do not care a fig about the Thirty-nine Articles. I don't believe in a God. I don't believe in a future state. I wish to uproot the sentiments of these young men, and to convert them to my own, and I will not be deterred by any forms." Certainly such a man would not; but the honest, the sincere man, no matter what his Christian belief, would be deterred by them. Now, he knew that the danger which it was said was likely to arise by passing this Bill was actually incurred at Oxford, and in the most unpleasant manner. He could state, that the children of Dissenters were admitted there at present. They came in as Conformists and not as Dissenters. They acted on a principle of insincerity, and surely that was more to be deprecated than the admission of young men of Dissenting communions who fairly came forward and stated what they were, without deceit or reservation? What, then, became of all this cant about the controversy that would arise among the young men, the growth of scepticism, and the consequent decay of religion. The subscription to the Thirty-nine Articles was a most disgraceful practice, and he regretted that he himself, when matriculated, had ever signed them, without knowing what it was he signed. The members of the University knew that it did not prevent the danger of dissent, and he did not know that the several hundreds of gentlemen belonging to the University, who lately signed a declaration in favour of a subscription to the Thirty-nine Articles, believed in them themselves, since they forced young men to subscribe to what they knew they could not understand, and what they were told they could not understand. There must be some other reason than what they assigned in this declaration, some other hidden purpose. The subscription to the Thirty-nine Articles was, in fact, a lie, a positive lie, and he was sure the noble Duke opposite (the Duke of Wellington) was of too gallant a spirit not to acknowledge, that if a person had told him a lie on one subject, he would suspect his veracity on another. When a man ventured on a falsehood for one reason, he would venture on a second for another. Now, he did in his conscience believe that these 1,700 or 1,800 gentlemen had signed that declaration for some other reason than that which they set forth. They justified the oath and the subscription by stating, that it was only intended as a declaration of belief in the doctrines of the Church of England; but he should like to know what would be said in a Court of Justice of a man who signed his name to a document or bond, and then said, "I did not know what I was subscribing." A short time back the noble Baron (Baron Kenyon) had said, that he took care to qualify himself for matriculation by an earnest study of the Thirty-nine Articles, and that he was as well able to answer any question in connexion with them as he was now. This was what a conscientious man would do, and the most respectable author of a little pamphlet published some time ago, Mr. Behrens, had mentioned, that prior to his matriculation he also qualified himself with care to understand the meaning of the Thirty-nine Articles. But it was not necessary to argue these points; he would put it to the common sense of mankind to decide whether, without understanding the effect of what he signed, a man should be called on to put his signature to anything? A right reverend Prelate, who had been himself many years the head of a House, stated, that he was cognizant of many cases in which the explanation given was to be taken *in animo exponentis*—that as the Vice Chancellor explained the oath, so the individual was to take it. Could there be a more extraordinary absurdity, than that of the person who was the *imponens* saying to the other, "You must understand the oath as I understand it, and that is my explanation?" It was by the authority of the University that the oath or declaration was imposed; and that it was the *animus*, and the intention of the University, that the party should take it in good faith was shown by the regulation, which only required it to be taken by those who were above the age of twelve years—they alone being supposed to understand its nature. In justice to the Dissenters, and in behalf of the University itself—in behalf of that nursery of the Church of England, the Legislature ought to deliver it from this disgrace. They had been told, indeed, that it was utterly impossible this could be done, because the members of the University of Oxford were bound by oath to enforce subscription. He supposed that the Statute which ordained this was not like one of the laws of the Medes and Persians, but that it might be altered—it might be revised by the authority which enacted it. Every young man who was admitted at Oxford at the age of sixteen, was, on his matriculation, obliged to subscribe the Thirty-nine Articles, and take the oaths of supremacy and obedience to the Statutes, and yet the young man newly admitted would not be there six hours without seeing that some of those Statutes were repeatedly being broken and violated. After his matriculation, he received a copy of the Statutes, which directed some most absurd observances. For instance, they were required to wear no coat but what was of a black or dingy colour, and not to cultivate flowing locks. They were forbidden to wear boots, and were enjoined to wear bands, both in public and private. Now, it was notorious that boots were almost universally worn, and bands were not worn at all. Again, it was required that every under graduate should cap a bachelor when he met him, the Bachelor the Master of Arts, and the Master of Arts the Doctor; and when a junior addressed a senior, he was to do it with his cap off, and with his head bowed in a meek and lowly manner. He admitted, that these things were very ridiculous, but on that account young men should not be sworn to observe them. What, he asked, became of this system of morality and virtue? There was another point to which he wished to call their Lordships' attention. By the statutes of the different colleges, the scholars and fellows on the respective foundations of those societies were not allowed to take possession of these endowments if they possessed property of a certain value in lands of inheritance. But no arrangements were made in the founder's will for the possession of funded property, which did not exist, and was not even thought of. Bishop Fleetwood, the author of the *Chronicon Preciosum,* who wrote a very useful book in reference to the fall of value in money, and who also stood high in reputation as a casuist, gave it, as his opinion, as far back as the reign of Queen Anne, that a man might safely in conscience swear that he did not possess landed property to the amount which the founder had pointed out, although he did nominally possess it, in consequence of the relative depreciation of the money standard; and he thought that, so far, it was but just that the expressed will of the founder might be disregarded; but he believed, that in practice, it was altogether neglected, and he could safely say, that in one college it certainly was. The case of an individual possessing funded property, however, was wholly unprovided for, and he knew an instance of a relative of his own, a fellow of a college, vacating his fellowship on succeeding to a landed estate, selling that estate, of course receiving the money, and being re-elected to the vacant fellowship. Dr. Johnson's opinion had been quoted against the admission of Dissenters to the University, because according to him the Universities were schools for the Church of England, and it would be unwise to furnish its enemies with arms from its own arsenal, because the subscription to the Thirty-nine Articles was nothing more than a declaration that the parties so subscribing would be members of the Church of England. This was a regular trap, and he could oppose the advice of as great a moralist, as Dr. Paley, who, in his chapter on promises, cautioned men not to give pledges which they might afterwards be unable to perform. How, then, was it possible that a young man could promise that he would adhere to that religion of the doctrines of which he was, avowedly, ignorant at the time he made the promise? Nothing could be more disgraceful, than the practice of calling upon boys to promise that they would continue to belong to the Church of England, avowing, at the same time, that they were unable to understand her doctrines. The right reverend Prelate took a leading part in the discussion of this question, on a late occasion, and had since published his speech. The right reverend Prelate observed that, as a matter of law, with respect to these Universities, the leading principle was, that where a corporation had received chartered rights, the law of England would repel every attempt to break in upon that corporation, unless it could be shown that the exercise of those rights had an injurious or demoralising tendency. He could not, however, conceive anything more immoral or more disgraceful than calling upon young men to subscribe certain articles of faith, binding them by oath to those Articles, and then telling them that they had not pledged themselves by that subscription to those Articles, as understanding them, but had only promised to endeavour to understand them hereafter. The right reverend Prelate, in the same speech, admitted that thirty or forty years ago these Corporations grossly and shamefully neglected their duty, and betrayed their trust. Under such circumstances, might their Lordships not have called for the rescinding of the Charter; but what was it that by this Bill these Corporations were required to do? Only that which they ought to have done in pursuance of the spirit of their Charters. The right reverend Prelate had alluded to the Statute passed thirty-five years ago, to correct that gross and shameful neglect of duty, of which the Universities were guilty. It had the effect, he had admitted, of correcting those abuses, and it was enjoined upon the tutors to instruct the students in the Thirty-nine Articles. There were several statements contained in the published speech of the right reverend Prelate, not correctly borne out in fact. The right reverend Prelate was wrong in stating, that no person was matriculated without signing the Thirty-nine Articles. The right reverend Prelate had also argued, that the statutes of Oxford required from those who were about to take degrees, besides the subscription, a declaration that the Thirty-nine Articles were according to the word of God; and the right reverend Prelate, therefore, inferred that subscription only did not amount to a declaration that the parties understood them. He could not understand how a declaration, by word of mouth, could be considered of more efficiency than a subscription, which was a perpetual record against the party subscribing. The statute said, that every person above twelve years of age, on being matriculated, should subscribe the Articles of Faith, having first read them over or having heard them read over; and with regard to the declaration, the party was required to read the Articles, and then to sign them, and also the three Articles of the thirty-sixth Canon, which three Articles they were also to subscribe. The right reverend Prelate further said, that the gentlemen engaged in tuition at Oxford were so opposed to this measure, that they had declared they would sacrifice everything, they would submit to wander pennyless, homeless, and outcasts in the world, rather than forego instructing young men in the Thirty-nine Articles of the Church of England. With all respect to those gentlemen, he could not believe that they would have such a preference. From the conduct of the great champion of the Church on this subject, he could not think that these gentlemen, notwithstanding their declaration, would be so very scrupulous, were the Bill to become a law. Noble Lords might remember that, on a former occasion, he brought this very point forward, when the right reverend Prelate defied him to make good his words. A discussion arose some time ago about the words the "spirit of the age," and he had stated on that occasion, that the right reverend Prelate had yielded up his opinions to the spirit of the age, by condescending to accept a bishopric at the hands of the noble Duke opposite, the right reverend Prelate having written a pamphlet, in which he had declared, that such an act would be the basest thing that any person could be capable of. In a letter which the right reverend Prelate addressed to Mr. Canning, in the year 1826—

The Bishop of *Exeter* interposed and said, that he had not the slightest wish to shrink from any examination into any thing he had ever said or written. But he would put it to their Lordships whether the business of the House could tolerate the irregular proceeding of the noble Earl, whose drift he certainly was unable to discover?

The Earl of *Radnor* said, that he had not the slightest objection to leave that topic. He had already stated the objects of this Bill—viz., that it sought to accomplish the admission of Dissenters from the Church of England to civil degrees in the English Universities, without subscribing the Thirty-nine Articles. If those Universities were mere schools of theology, then he was ready to admit, that the question would stand in a very different position; but such not being the case, he was at a loss to conceive what inconvenience could arise from the concession which was sought, and still less could he imagine why the University of Oxford should even now stand upon a different ground from that of Cambridge. He had understood that a declaration had been signed by many of the clergy, including the Archbishop of Canterbury, that it was necessary means should be taken to make the study of theology efficient at the Universities. In the pamphlet lately published by an eminent Professor of one of the Universities, Professor Pusey, it was stated, that no more theology was necessarily taught at the University than was contained in the Thirty-nine Articles. It was, therefore, quite clear that the Universities were not mere theological schools, still less could they with any propriety be said, consistently with their original foundation, to be schools for teaching theology, exclusively of the Church of England. When the Universities some thirty or forty years ago chose of their own mere will to alter the Statutes which had long before passed for their rule and government, it would have been, he thought, much to their credit to have relaxed those regulations which amounted to an exclusion of the whole Dissenting portion of their fellow-countrymen. He had then brought before their Lordships all the considerations which he thought should induce them to pass the Bill; and he would conclude by moving, that it be read a second time.

The Duke of *Gloucester* said, that on presenting several petitions with reference to the subject now under consideration a short time ago, he had trespassed upon the time of their Lordships at considerable length; he should, therefore, not trouble their Lordships on the present occasion in stating the grounds upon which he should give his vote against a Bill which he thought to be not only uncalled for, but most cruel, most unjust, and most mischievous. The noble Earl who had moved the second reading of this

Bill had laid great stress upon the argument he had suggested, that there was no dependence to be placed upon the presumed security of the oaths required to be taken by the members of the Universities. If there was to be no security or reliance to be placed on oaths, on what, he would ask, was the Legislature or the country to have dependence? He had been a warm supporter of the Bill for the repeal of the Test Acts, and of the measure for the emancipation of the Roman Catholic subjects of this realm; but why were those measures necessary, if some security were not afforded by the sanction of an oath? He was obliged to the noble Earl (Earl Radnor) for the quotation which he made from Dr. Johnson, for it appeared to him (the Duke of Gloucester) that the quotation set the whole question at rest, inasmuch as it told the Legislature that the Universities were for the education of ministers of the Church of England, and that it ought to oppose the second reading of such a Bill as that which the noble Earl had recommended to their Lordships. The noble Earl had stated, that he was himself a member of the University of Oxford, and had doubtless paid greater attention to the discipline of that University than to that of Cambridge. All that the noble Earl had advanced with reference to the first University, he (the Duke of Gloucester) was quite sure his noble friend near him (the Duke of Wellington) was prepared to answer. He (the Duke of Gloucester) did not stand up there to defend the University of Oxford, but to declare, as he had already done, this measure to be most unjust, most cruel, and most uncalled for. If there had been any complaint made to the Legislature against the manner in which these institutions were regulated and governed, then probably the Legislature might be justified in interfering. Such, however, was not the case; but on the contrary, the Table of their Lordships' House groaned beneath the weight of petitions presented from all parts of the nation, praying their Lordships to support the present system of education, and expressing the highest approbation of that system, and entreating, imploring their Lordships not to consent to such a change as would admit Dissenters to degrees. He might be permitted to say, though he had the honour to be at the head of one of the Universities, that at no period did they stand higher in respect to sending forth to the world brilliant specimens of educated talent than at the present. It appeared to him, that those who had brought forward and supported this measure were unacquainted with the real nature of the foundation of these Universities. They had been founded by pious and benevolent persons, for the education of members of the Established Church, and of those who were designed to become ministers of that Church. Their Lordships should remember, that although King Henry 8th was the founder of a college in the University of Cambridge, it had also been endowed by other royal and noble benefactors, and Parliament had never given any assistance in furtherance of the benevolent and excellent views of the founders. Parliament had never founded a college; and how, therefore, Parliament could claim the right of interfering with the colleges appeared to him most extraordinary. There was no doubt, however, that when these colleges were founded, the Roman Catholic Church was the established religion of this realm; but when it gave place to the Protestant Church, and when that Church became the established religion of this country, it had been adopted as such by the Colleges and Universities, which then became part and parcel of the establishment. He had heard it stated, with astonishment, that a degree was merely a certificate of good behaviour, for he was satisfied a more egregious mistake never was made. A degree of master of arts once attained gave to its possessor power and authority in the discipline of the Universities, and more than this, the disposal of much Church patronage. He could not also avoid adverting to an observation which had more than once been repeated by the noble Earl opposite—namely, that at Cambridge Dissenters were already admitted. He begged, in reply, to state, that they were not known as Dissenters in the University of Cambridge; nay more, that it was a mistake to say that at Cambridge any arrangement had been made in order to admit Dissenters to the privileges and benefits of that University. It was a regulation at Cambridge (made, in his judgment, most wisely,) that no young man on admission should be called upon to subscribe the Thirty-nine articles, or to take any oath except the oath of allegiance, and a declaration that he would be obedient to the laws, orders, and regulations of the University. Hence it was, that Dissenters had crept in, though the University itself did not know or recognize them as such. So long as they conformed to the prescribed course of education and discipline, the heads of the University had no reason to believe them to be other than members of the Established Church. But it ought to be observed, when power and authority were about to be placed in their hands, as must be the result of conferring upon them University degrees, then it was, that the University insisted upon knowing whether or not the parties claiming that distinction were members of the Church of England, because that power and authority was only intrusted to members of the Church of England. If it were otherwise, from the moment that regulation was relaxed might be dated the separation of Church and State, and the overthrow of the Throne and the Constitution. He had already stated that the great bulk of the nation were members of the Church of England; but he must add, that he had presented upwards of 100 petitions to that House, and upwards of sixty Addresses to the Sovereign, praying protection to the Church as by law established, and against such concessions as those which this Bill would confer upon the Dissenters. He appealed to their Lordships whether they ought not to attend to the wishes, the prayers—nay, the entreaties, made to them by the great bulk of the nation in this respect? On a former occasion, he had stated his opinion upon the alleged difficulties accruing from the disabilities affecting the Dissenters, in reference to the medical profession, and their being called to the Bar. Since that period, he had had an opportunity of communicating with the noble and learned Lord, and after different consultations, had ascertained that it was possible the difficulty might be overcome with respect to the Bar. His noble and learned friend at the head of the Court of Exchequer, whose absence he regretted, had also informed him, that there would be no difficulty in entertaining some regulation, by which Dissenters might be admitted to the Bar, within the same period at which a degree might be obtained, on producing a certificate that he had undergone the requisite examinations. He was not without hope that he could appeal to the noble and learned Lord on the Woolsack, that some regulation of this kind might be brought about. With regard to gentlemen, students of the University, with a view to the practice of medicine, and who were Dissenters from the Established Church, he should only state, that the College of Physicians had recently presented a petition or memorial to the King in Council, praying to be allowed to confer degrees in medicine. He had undertaken, on the part of the University of Cambridge, to consent to this prayer. Hence both the parts of which the Dissenters complained could be fully remedied without this Bill. He asked their Lordships whether they would support the established institutions of the country by the rejection of this Bill; or by concurring in the Motion of the noble Earl who moved the second reading, they would concede a measure, which, in his judgment, would lead to the separation of Church and State, and consequently to the overthrow of the monarchy? Under all these circumstances, he should move as an Amendment to the motion of the noble Earl, that this Bill be read a second time this day six months.

The Duke of *Wellington* said, it was his wish, on the present occasion, to confine himself to the discussion of the subject matter of the Bill now under their Lordships' consideration, and to lay aside all those parts of the argument of the noble Earl who had moved the second reading of the Bill, which had relation to the measure of Roman Catholic emancipation,—a measure which had in no degree any connexion with the Bill before their Lordships. The two institutions which it was the object of the present Bill to regulate, were chartered corporations,—chartered not only by prescription, but by gift of Kings of England, and even by Act of Parliament. Not only were the Universities themselves incorporated, but several of the colleges were equally so; and yet the object of this Bill was to invade the rights and privileges given by those charters. Under those charters, not only the Universities as a body, but the several colleges, had a right to regulate their own affairs; and he was not aware that any complaint had been presented to either branch of the Legislature, as to the mode in which their affairs were regulated or conducted; and yet, in the absence of any complaint, the object of this Bill was to force those chartered bodies to make an alteration. The noble Viscount at the head of his Majesty's Government had, the other night, assured their Lordships that it was his intention to maintain the institutions of this country, and he therefore would call on the noble Viscount this night to vote for the Amendment of the illustrious Duke near him; for never was there such an invasion of the established institutions of the country as that proposed by this Bill, even though its provisions were confined to the Universities of Oxford and Cambridge. He had already stated that these were chartered institutions, and that for nearly 300 years their charters had existed and been carried into effect; and yet, on no case stated (except that it would be desirable to alter the regulations, because a certain number of persons suffered from them), the whole should be repealed, in order that those individuals might enter within the pale of these institutions; that was the real question their Lordships had to decide this night. The noble Earl who had moved the second reading of this Bill, had stated very fairly, that there was a great difference between the regulations of Oxford and Cambridge. It was true that there was a difference in the regulations applicable to these two institutions; but the difference was more apparent than real; there was little difference in fact. In the University of Cambridge, persons might matriculate without subscribing to the Thirty-nine Articles, or without (he believed) taking the Oath of Supremacy.—[The Duke of *Gloucester:* 'No, no!']—It seemed he was wrong in that. Well then, they might matriculate without subscribing the Thirty-nine Articles. In the University of Oxford they must subscribe the Thirty-nine Articles, and take the Oath of Supremacy at the moment of matriculation, if they were more than a certain age. Now the noble Earl said, why not put the University of Oxford on the same footing as the University of Cambridge? Why, that was not the meaning of the Bill before their Lordships. The Bill did not say that. What the Bill said was this—persons should enter the University without subscribing any article as a test, or taking any oath on matriculation; and, moreover, that they should take their degree without taking such oath. That was the meaning of the Bill, and that involved a great question. When persons took their degrees, as the Royal Duke had told them, they became members of the corporation—members of the senate, and they took on themselves a share of the government of the corporation. This was just the point which it was determined at the University of Cambridge, that persons should not arrive at who were not members of the Established Church. When they came to the question of law, he would ask was there no difference between admitting Dissenters by sufferance—between allowing them to come in, and, as the Royal Duke said, not knowing them as Dissenters (there being, as the noble Earl had stated, no inconvenience resulting from their admission,)—was there no difference between that sort of admission and their admission under an Act of Parliament? Would the noble Earl pretend to tell them that it was the same thing to let Dissenters in under the right given to them by the Bill, as it was to admit them by sufferance, not knowing, as the Royal Duke had put it, that they were there? There was all the difference in the world, and more particularly as regarded this very question. It was on this very ground he would say and contend, that the two Universities stood nearly in the same position. When Dissenters came to be admitted into the corporations by a right derived from this Bill, why, the rules and regulations of the Universities—the rules of all the Colleges in respect to discipline—most particularly those rules and regulations which required instruction in the doctrines, discipline, and rites of the Church of England—every one of these must be departed from when they gave Dissenters the right, under the clauses of this Act of Parliament, to be admitted to the Universities. He had argued the question hitherto in regard to the University of Cambridge. He now came to speak of Oxford, which stood on somewhat different grounds; but he had no more scruple in defending the University of Oxford on this ground, than he had in defending the University of Cambridge. In the University of Oxford the rule was, that when persons matriculated they should subscribe the Thirty-nine Articles, and take the Oath of Supremacy. Now, the noble Earl had gone into a long argument on the statute, to prove that the intention was, that the young man was bound by the declaration he made, at the moment of making it, to make oath that he had a thorough understanding of it in all its parts. He contended, however, that it had been explained by several right reverend Prelates, and by one right reverend Prelate in particular (the Bishop of Exeter), that such was not the intention with which the declaration was subscribed; but the noble Earl himself, in the course of his discussion of this question, quoted the opinion of Dr. Johnson, who stated that the declaration was not made in the sense for which the noble Earl contended. The submitting of this test on matriculation at Oxford was founded on a statute of nearly 300 years' standing, and it had been a regulation at Oxford during the whole of that time. He never heard that any inconvenience resulted from it, or that any complaints were made against it. On the contrary, he always heard in this House, in the other House, and, in short, throughout the country, that the system of education at the University of Oxford, from that time to this, had given the utmost satisfaction. He had heard no complaints whatever, either respecting this mode of matriculation, or any other matter connected with the system of instruction. The explanation given by the right reverend Prelate, indeed the very reason of the case, showed what the declaration must be intended as—that it must be intended as evidence, that the person who made it was of parents who belonged to the Church of England, and not that the gentleman who signed the declaration must believe everything contained in the Thirty-nine Articles. But the noble Earl argued, that there was nothing in this regulation of the statute which could prevent the admission of schismatics or atheists into the Universities. He entirely agreed with the noble Earl. He admitted that schismatics and other individuals of that description, could not be prevented by this or by any other regulation from obtaining admission to the Universities. He contended, that this regulation would prevent the admission of persons into the Universities whose object would be to introduce their schisms and divisions. On this ground it was, that the University of Oxford stood on the same foundation as the University of Cambridge. The object of both was, not to prevent one such individual from entering—it was not in their power to do so; but to prevent large numbers of such persons from coming in, who, if they entered by right, would object to allow the studies of the Universities to be continued—who would endeavour to establish their schisms and dissent —who would make efforts to effect that separation which it was their duty to prevent. He thought he had now shown the grounds on which the University of Oxford stood, and the grounds on which the University of Cambridge stood, and that they both stood in principle on nearly the same grounds; namely, that the introduction of persons into these Universities who were not of the religion of the Church of England was not desirable, on account of the peculiar nature of the studies that were pursued. They stood on the same grounds with respect to degrees. By taking a degree a man became a member of the corporation, and as a member he was entitled to a share in the government of the University. There was another most strange charge which had been made by the noble Earl; indeed, he was surprised to hear the noble Earl make such a statement. The noble Earl preferred this strange charge, that the young gentlemen who went to Oxford (the charge was peculiar to Oxford, for the same thing was not done at Cambridge) that the young gentlemen who went to Oxford were sworn to the observation of statutes which they knew were continually broken, and which they must know they would not and could not keep. He had not the statutes of the University of Oxford in his hand at that moment, but he was assured by some of his noble friends near him, that the oath taken by the young gentlemen at Oxford was either to obey the statutes or to submit to the punishment inflicted for not doing so. That was the amount, the real amount, of the charge of perjury which had been preferred by the noble Earl against the University of Oxford. The noble Earl, by way of sustaining this charge of perjury, had compared those oaths to the oaths of qualification taken by Members of the House of Commons. He would tell the noble Earl that the oaths taken at Oxford were not at all similar to the oaths of qualification in the House of Commons. They did not stand at all upon the same ground. The oath taken by the young gentlemen at Oxford was, as he had already said, "either" to obey the statutes, "or" to suffer the penalties prescribed for their violation. But the oath of qualification in the House of Commons was quite a different thing. He was informed by some noble Lords who had experience in the House of Commons, that Members sometimes took the oaths of qualification who did not possess the property to entitle them to do so. He must say, that he never had heard a more unfortunate charge than that to which he had just referred, and which had been made by the noble Earl against the University of Oxford. In order to do justice to the question, it was necessary for him to go a little further, to sift the matter to the bottom. The admission of the Dissenters to degrees in the Universities would be completely destructive of the whole system of collegiate discipline and education, of that system of collegiate discipline which was founded upon the donations, the foundations, and the charters of the colleges, and of that religious system which considered it necessary that the persons who received their education at the Universities should be members of the Church of England, and persons who attended upon its rites. There was this difference between the University of Dublin, which had been quoted, and the Universities of Oxford and Cambridge, that in Dublin there was little or no residence on the part of the young gentlemen who received their education there. They lived in the town, with few exceptions, and there was not therefore the same necessity in the Dublin University for those rules and regulations respecting education, and the attendance on religious duties, which existed in the Universities of Oxford and Cambridge. The system of education at the Universities of Oxford and Cambridge was founded exclusively upon the religion of the Church of England. It was not only that young gentlemen were educated there in literature and science, but they were taught their duty towards God and man, by learning the religion of the Church of England, by being taught what Christianity was, by learning their duty towards their Maker and their fellow men. Would any man tell him that those studies would not be interrupted by the admission of the Dissenters into those institutions? It was quite impossible that the whole course of religious education should not be disturbed. It might be said, that the introduction of the Dissenters into the Universities would not prevent this system of education from going on; but how would it be possible to enforce it? If a number of those dissenting gentlemen should be admitted into the Universities, who would have a right, under this Act of Parliament, not to attend to those collegiate rules and regulations, how would it be possible to enforce their observation upon those young gentlemen, members of the Church of England, who might happen to be in the same colleges at the same time? He wished to know whether the consequence of taking such a step would not be to produce dissent and schism throughout the Universities, and finally to perpetuate differences, distinctions, and disunions in them. Such was the opinion of those who were best able to form an opinion on the subject: such was the opinion of those who had written upon the subject from long experience. They were told by such authorities, that such would be the consequences of this proposed introduction of the Dissenters into the Universities. They were told also, that in institutions which had been founded for the purpose of educating ministers for the several Dissenting persuasions, it had been found impossible to adhere to any particular tenets, and that it was at last perceived to be necessary to give up an object which experience showed to be impracticable. He had heard a good deal of the union between Church and State. He could not forget having heard the noble and learned Lord on the Woolsack on a former evening, declare his firm determination to maintain the union between Church and State. Now, it was worth while to consider a little what the nature of that union was. He had heard the noble and learned Lord define the meaning of that union on a former occasion. He had heard also many other noble Lords express themselves in favour of the union of Church and State, and their determination to maintain it under all circumstances. Now, he really felt that those noble Lords did not look very nicely to the meaning of the words. He would confess, that it appeared to him that in speaking of the union of Church and State, many of those noble Lords seemed to look upon it as a sort of political connexion—that was to say, they looked to the patronage which the Crown enjoyed in the Church—to the power which his Majesty had of presenting certain persons to certain ecclesiastical dignities and preferments, and of conferring benefices and livings upon others. But, in his opinion, they ought to regard the union of the Church and the State as of a much higher order. He considered that there was a spiritual union between the Sovereign and the Church. His Majesty was declared by Act of Parliament to be the supreme head of the Church on earth. By the same Act of Parliament his Majesty was authorised to visit all those colleges, schools, and other similar institutions of Royal foundation, and he was required to prevent in them those very schisms, dissensions, and disorders, which were likely to occur if this Act of Parliament should be passed. He would therefore say, that his Majesty was bound as the head of the Church, and by the authority which he possessed as the head of the Church, he would say, that as such he was bound by the Act of Parliament which gave him that authority to prevent schism, dissensions, and disorders, in those Universities—he was bound to see that in those Universities the true doctrines of the Gospel, the doctrines of the Church of England, were maintained and taught, and nothing else. He would assert, that was the real meaning of the union of Church and State, and not a political union of Church patronage, or of anything else that might be connected with the kingly authority. Besides, it should be recollected, that the King had sworn to maintain the laws of God and the true religion of the Gospel. He knew that a convenient doctrine had been held in that House respecting the King's oath, and that it had been said, that an Act of Parliament might free his Majesty from it. He did not wish to argue that question now. He did not feel desirous on this occasion to enter into the question as to how far his Majesty should be considered bound by that oath, nor did he wish to impose his opinion concerning the question upon his Sovereign; but this he would say, that that oath had been imposed by Act of Parliament upon two Sovereigns in the course of the last twelve years. That oath contained the explicit declaration of a principle, and that principle was this—that the King of this country should maintain the laws of God and the true profession of the Gospel. That that was the principle which was contained in this oath, it would be impossible for any man to deny. Now, that being the case, it was quite impossible that they could assent to pass this Act of Parliament. They could not approach their Sovereign with this Bill and desire his assent to it, knowing, as they did, that it went to overturn every principle contained in his oath. He had now gone through all the points to which he thought it necessary to call their Lordships' attention. He had shown that those were regularly chartered institutions; that they were founded for certain objects and upon certain principles; that their object was to educate persons for the Church of England and in the principles of the Church of England; that if any abuses existed in them, it might be safely left to themselves to detect and to correct them; that the leading principle of those institutions was the maintenance of the religion of the country, and the instruction of the country in the doctrines of the Church of England; that danger would follow from introducing Dissenters into those institutions; and finally, he had shown that, considering the nature of the oath which had been taken by the Sovereign, it would be impossible for them to present such a Bill as this to his Majesty for his assent. Upon all those grounds he must vote against the measure.

Viscount *Melbourne* said, that considering the magnitude and importance of the subject involved in this measure, he was anxious, before their Lordships proceeded to a division, to address a few observations to them upon the question. He should, in the first instance, give an answer to a question put to him by the noble Duke who had just spoken. The noble Duke had asked him whether it would not be inconsistent with a declaration which he had made on a former occasion to give his vote for this Bill? He would beg leave to say, that he did not consider that it would be at all inconsistent with any opinion which he had expressed, or with any declaration which he had made on a former occasion relative to preserving the institutions of the country, to give his vote for the second reading of this Bill. He would vote for the second reading of this Bill—not that he could entirely approve of it—not that he thought that it would effect the purposes it had in view in the best manner—not that he did not think that great difficulties surrounded the subject—difficulties which had been enumerated in the course of this debate—and, finally, not that he did not think that the whole object of this Bill might not be better effected by a good understanding, and a compromise between both parties in this matter, rather than that it should be forced by the violence of an Act of Parliament upon the Universities. He repeated that, in his opinion, the thing would be much better done by a compromise and a good understanding than in the manner it was proposed to do it by this Bill. At the same time, however, if they looked at the importance of the subject, he thought that the measure was one that deserved their Lordships' most careful consideration. He entirely agreed with the noble Baron opposite, that if this matter could be brought about in an amicable way, without animosity on either side, by a voluntary concession on the part of the Universities, and in fact by a sort of compromise on both sides, it would be much the better way, than that it should be effected by legislative interference. But then, as he said before, he looked upon the subject as one of such great magnitude and importance, and he was so anxious that it should receive the fullest consideration at their Lordships' hands, that it was his determination to vote for the second reading of this Bill. The noble Duke, in the course of the speech which he had just addressed to the House, had referred to a variety of matters, and, amongst others, the noble Duke had adverted to the union between Church and State, and had made some observations in regard to it to which he did not intend, on this occasion, to offer any answer. If he should be asked, whether he meant in his definition of the union of Church and State, that there should be no established religion in this country, he would say, that to such an opinion he would give his most decided opposition. He was quite of opinion, that it was impossible to preserve religion in the country without maintaining an established religion in connexion with the State. The religion of the country could not be upheld by leaving it to the voluntary support of its members—it must be upheld by the State. To justify a contrary opinion, and to defend so great a change as that opinion would introduce into this country, it would not do to refer to examples, such as the existence of Christianity in the Roman empire, before it was constituted the established religion, and to the existence of religion in a country so distant, and so differently circumstanced from this, as the United States of America. He would, therefore, again repeat, that he entirely differed from those who maintained that there should not be an established religion in the country, and that religion connected with and supported by the State. He belonged to the Church of England from feeling and conviction. He would not say, that he had examined all her doctrines—he could not say, whether he had examined the foundation of all her rites and ceremonies—he would not say, that he should be able to discuss those one thousand questions which, according to the statement of his noble and learned friend on a former evening, Bishop Law stated, arose out of the Thirty-nine Articles. He belonged to the Church of England, because he deemed her spirit pure, and her principles tolerant. He belonged to the Church of England, because it was the mode of faith handed down to him by his forefathers, and because it was the mode of faith which he found established in the country. It was upon such grounds that he was a member of the Church of England; and he would maintain, that it was absolutely necessary to sustain the religion of the country on the basis on which it stood at present, in order to preserve it, and to prevent, on the part of the majority of its members, a general neglect of religious observances. While he said this for himself, and on the part of the Church of England, he must at the same time say, on the part of that great and large body of men, the Dissenters of England, that their dissent from her doctrines had been almost coeval and contemporaneous with the establishment of the Church of England herself — that they dissented from her, because they did not think she went far enough in the work of reformation — that they did not exhibit their opposition at the time against a Church that was then in power and prosperity — that their dissent grew up at a period when the Roman Catholic religion was dominant in this country, and that it was, therefore, a dissent founded upon conscientious feelings and principles. Considering the weight which dissent had in the country, and considering the extent to which it prevailed, many attempts had been, from time to time, made at a religious comprehension of the Dissenters in the body of the Church. Such attempts, it was well known, had been made by some of the greatest prelates that had adorned the Church of England. All such attempts had hitherto failed. He trusted that it was reserved for the present day to see such an attempt in some degree succeed, and, at all events, they had a right to make it by a general civil comprehension of the Dissenters, and by admitting them to the benefits to be derived from the public institutions of the country. He would not go into the foundation of the Universities. He apprehended that they were originally founded for the support of literature and science. He apprehended that such was the original object of all those learned institutions of the country which, from the concurrence of accidents and the force of chances, had been founded, and had grown up, one after the other, until they had, in fact, come to be considered national seminaries. He would reserve to them complete the right to preserve the religion of the country. He would, however, at the same time, for the sake of general peace and union, and for the sake of bringing together those who had been excluded so long from the benefits of those institutions—he would sanction the admission of the Dissenters into the Universities. He would sanction that which some of the most distinguished members of those institutions had said could be safely effected. He would try whether they might not open the gates of the Universities to the great body of those who unfortunately dissented from the Church of England. He would not wish, however, rashly to meddle with honest prejudices and well-founded feelings. The noble Duke had said, that tests were no security against impiety and schism, and that a man might take them who dissented from them, if he chose to stifle all feelings of right and wrong. He would say, that tests were no security against any man. It was impossible to look at the history of religion in any state, or at any period, and not to see that tests afforded the weakest aid and the most frail security to any faith. Did tests preserve the heathen religion against the vital spirit and heaven-descended energy of Christianity? Yet they were aware, that every act of the life of a heathen was in itself a test. He could not sit down,—he could not eat his meals,—he could not retire to rest, he could not go through the simplest duty,—he could not perform the ceremony of marriage, without addressing some heathen deity or other. These observances were forced upon the Christians by the most cruel punishments, and yet such means failed to preserve the dominant faith. In fact, it was well known, that one of the most violent persecutions of the Christians attempted under the Roman emperors was followed by the establishment of Christianity as the dominant religion of the empire. Had tests been any security to the Roman Catholic religion against the pure light and energy of the Protestant faith? Tests, a variety of tests, were adopted to put down the Protestant religion in its infancy; but it was soon found, that they were vain and fragile against the light and strength of the new doctrines. In fact, they were utterly futile for such a purpose, even in the Universities themselves. Without looking very deeply into the subject, he found that about fourteen years after the establishment of King's College, Cambridge, a decree was sent down there by King Henry 6th, admonishing the scholars —that was to say, in the language of the present day, the fellows of that college—against the damnable and pernicious errors (so it styled them) of John Wickliffe and Richard Peacock, and denouncing the pains of expulsion from college and of perjury against those who should show any favour to these heretical doctrines. Yet, in two years after this, this very King's College became what, at that time, was called the most heretical, but what, at the present day they would call the most Protestant, college in Cambridge, and it was only about sixty years after this that those very doctrines thus fiercely denounced were by the law established in this country. So much for the security and aid afforded by tests. Let the Church of England rest upon the living vigour, upon the pure truth, upon the scriptural consistency of her doctrines, above all, let her depend upon her mild laws, upon her tolerant character. Her maintenance rested upon her intrinsic merits and her native strength. It was by those characteristics that she had been preserved,—it was by those characteristics that she would be preserved,—and not by means of tests and subscriptions. On the whole he should, as he said before, vote for the second reading of this Bill. He was ready to admit, that the subject was surrounded with great difficulties. He was ready to admit, with the noble Baron opposite, that great difficulties stood in the way of effecting an object the accomplishment of which all must admit to be so desirable. With respect to the objection of the noble duke, that controversial discussions and dissensions would necessarily follow the introduction of the Dissenters into the Universities, he (Lord Melbourne) could not help thinking, that but little was to be apprehended from such an anticipation of what might never turn out to be a fact. It was not to be supposed, that young men would have no other end in going to College than to enter into controversial disputes and discussions, and it was rather monstrous to assume, that the Dissenters should be excluded from the benefits of the Universities on the plea that their admission there would set all the students wrangling about points of theology. Did their exclusion prevent theological controversies in the Universities at present? As far as he could recollect, he had never heard of dissent until he went to the University. It could not be otherwise, seeing that the whole of the studies at the Universities were founded on theological questions. But surely it was absurd to suppose, that the introduction of a few Dissenters from the Church of England into the Universities would produce those scenes of general confusion and disorder which the noble Duke seemed to apprehend. At the same time, whatever might happen, and even should an evil of the kind arise from the admission of Dissenters to the Universities, he did not think that such an evil could be at all put in competition with the advantages to be derived from taking such a step in the way of conciliation with the feelings of animosity thus allayed, and peace established between, at present, rival and contending parties. It was with those feelings not at all blind to the difficulties of the subject, but sensible from its great importance that it was deserving of the further consideration of their lordships, that he should certainly give his vote for the second reading of this Bill.

The Earl of *Carnarvon* was glad to find that the noble Viscount who had just spoken did not entertain an unmingled approbation of this Bill. He was delighted at the admiration which he heard that noble Viscount express of the Church of England, and his determination to stand by that Church. In the present period of general uncertainty and doubt, when nobody well knew what were the intentions of Ministers with respect to the Church, it was consoling to find the noble Viscount come forward with such a declaration of his sentiments, and he was sure that it would diffuse joy through the heart of every man in the country who felt devoted to the Church of England. He cordially concurred in many of the sentiments that had been expressed by the noble Viscount. Indeed, it appeared to him (the Earl of Carnarvon) that the only thing to be desired in some parts of the speech just delivered by the noble Viscount was, that he should be sitting on that (the Opposition) side of the House. With regard to tests, while he would not insist upon them as a good security for religion, he thought that they were a good security for the purity of education. The noble Lord said, that the Church of England might rely upon the native strength and truth of her doctrines, and that she might defy all the efforts of her enemies to overturn her. But the noble Lord did not seem to recollect, that to teach the truth, it must be well understood in the teaching. Concurring, as he did, in much that had fallen from the noble Viscount, he must say, that it was not his good fortune to concur with the noble Earl who had opened this debate. The noble Duke had so well drawn the distinction between the admission of Dissenters to the University of Cambridge, as it existed by sufferance, and their admission by right, as proposed by this Bill, that he would make no observations upon the argument of the noble Earl with reference to this point, or go over ground which had been already so successfully maintained. He would only say, in addition to what fell from the noble Duke on this point, that, as a natural consequence of this state of sufferance, the number of Dissenters at the University of Cambridge was at present inconceivably small; but when their admission was no longer discretionary, the result of a kind and tolerant feeling on the part of the authorities, but a matter of positive and statutable right, their numbers would enormously increase, and their conduct would, he feared, be materially changed; they would then constitute a powerful minority in the heart of the Universities, acting with all the zeal, and in all the spirit of party; they would then hold up this Bill as the Charter of their rights; they would agitate the hitherto untroubled Colleges with their polemical discussions, and would perhaps make open war upon that religious discipline, and on those religious opinions, which, while they were admitted on sufferance, and having a great inferiority of numbers, they did not venture to assail. The noble Earl who opened the debate defied the opponents of the Bill to show that any practical inconvenience had resulted from the permission given to Dissenters to graduate in the University of Dublin. Very probably not. But when the measure which permitted Dissenters to graduate in the University of Dublin was introduced into Parliament, it received the sanction of the two Members for the University, and of the Provost of the University, then a Member of the Lower House; and in and out of the University, two not very important individuals constituted the whole muster of opposition that could be raised to their claims. From what cause arose this all but perfect unanimity of feeling? From the knowledge, that residence was not enforced at Dublin, and that non-residents were known to receive their religious education, where it would probably be most honestly and anxiously administered—under the paternal roof, or at least under the roof of the guardian *pro tempore;* and still more, from the knowledge, that degrees at Dublin; did not, as in England, confer a power of government. This unanimity then arose from an intimate conviction derived from the circumstances to which he had just alluded—circumstances peculiar to the Constitution of the University of Dublin—that the admission of Dissenters into that Establishment could produce no effect injurious, either to the Protestant Church of Ireland, or to the education of the youth brought up at the University. Did any such unanimity of feeling with respect to the admission of Dissenters into the English Universities prevail? Yes; but in the adverse sense. Look at the University declarations, crowded with the signatures of the best and wisest men in the land, and drawn up with all the fervency of truth; look at the unequivocal testimony borne to the general feeling by the united voices of their four Representatives; all deprecating the measure as a mortal blow to the interest of the Universities, and to the religion of the country. Even at the University of Dublin, to which the noble Earl had so triumphantly alluded, where the prospect was so comparatively fair, even there had peace and harmony been the result? He answered no. The Dissenters of Dublin, restless and dissatisfied, disdained their easy triumph; they spurned the barren honours of the degree which they so lately coveted; they were striving to obtain admission to the offices of scholar, fellow, and provost: anxious to share in all the privileges and emoluments of the University, and thinking nought was won, till nought remained to win. To compel the Universities to admit Dissenters within their walls as a matter of right, was unjust; and if tried, would be found to the last degree inexpedient and unwise. He concurred in opinion with those noble Lords who thought that, by pursuing such a policy, no solid advantage could be gained, and therefore they ought not to enter upon a course from which it was impossible to recede, and on which they could not advance with honour. If the object contemplated by the noble Earl were obtained —if the reluctant Universities were compelled to admit Dissenters, still, without a stretch of Parliamentary tyranny, such as he could not believe would ever emanate from Parliament, we could not compel the respective colleges to receive them as inmates. The noble Earl had referred to a document, signed by the heads of colleges, and other persons high in office at the University, declaring their firm determination to wander over the world, deprived of every worldly possession, homeless and houseless, rather than submit to an act which would outrage their consciences. Was not that matter for grave and solemn consideration. If the admission of Dissenters into the bosom of the Universities were not really attained by the step which the noble Earl required the House to take—if the Colleges should refuse to give practical efficacy to the concessions which the University might be compelled to make—if the law should remain a dead letter, their Lordships would have to confirm it by fresh legislation, and on a harsher principle—if the Colleges should refuse to comply—and he was tempted to say, that he hoped to God they would not comply—if they should oppose a passive, but legal and effective resistance to the law, then would legislation be unavailing; unless their Lordships were prepared to overcome by direct persecution a resistance founded on a sense of duty higher than even that which commanded obedience to the law. The reasoning of the noble Earl had not removed his greatest objection to this measure—the difficulty of rendering the admission of Dissenters to the Universities compatible with adhering to the present course of religious instruction. From them as from the fountain head, England drew its religious knowledge; and if this Bill were passed, how could that religious knowledge be supplied. If dissent were considered a sufficient ground of exemption from the religious discipline of the University, where was the standard to be fixed? Was not such a regulation offering a premium to dissent? The thoughtless youth would often make some slight or even fancied deviation from the doctrines of the Church a plea for exemption from the labour of acquiring religious knowledge, and the restraint of attendance on religious rites. If this Bill passed, religion could be no longer the ground-work of University education, and in the great repositories of the national learning, the highest and most invaluable species of knowledge would remain untaught; and the Word of God, expressed in the pure doctrine of the Church, would be learnt as it might and gathered as it could. The noble Earl took a different course from that adopted by other supporters of the Bill; the noble Earl stated, that Dissenters would be required to submit to the religious discipline of the Universities. He was then prepared to sanction a practice considered tyrannous even in the days when toleration was unknown, and unless the courteous examiner, in deference to their feelings, abstained from every controverted topic, he would force the dissenting student to hear, and, perhaps, express opinions hateful to his heart. Such a system would, to an incalculable extent, aggravate the existing dissatisfaction of the Dissenters; it would convert their present disabilities into a grievance of the deepest die. The noble Earl sneered at the idea, that the admission of Dissenters would lead to religious disputation. Admit Dissenters, yet banish religious disputation!—how was that compatible with a sincere and effective course of religious instruction? By what strange compromise of opinion could the same tutor instruct on points of faith the Churchman, the Calvinist, and the Unitarian? It would be better to tell the country frankly, that the growing freedom of opinion had superseded the necessity of specific religious instruction; but it would not become that House to sanction the fallacy, if the leading doctrines of the Church were coldly and timidly maintained, and every substantial difference of opinion between the Church and her sectarian brethren waved or compromised, that under such a heartless system an effective course of religious education could be maintained in either University. The noble Lords, who supported the Bill, and other distinguished individuals who patronized the London University, would not have sanctioned the omission of any system of religious instruction, if they had not felt that any such system was incompatible with the general nature of the institution, and the indiscriminate admission of persons of various forms of faith. The subject of religious education was taken into their deep and conscientious consideration; and rather than forego some system of religious instruction, it was proposed that Biblical criticism should devolve on a dissenting teacher, showing that the difficulty must have been great, which could have suggested such a desperate expedient; but the Gordian knot was solved by a shorter process; this notion was abandoned, and the idea of establishing any religious instruction was given up. How, indeed, could it be established with the faintest chance of success, when Christianity could not be inculcated on the youthful mind in deference to the opinions of the Jew, nor *Paley's Theology* be allowed to outrage the pious scruples of the Atheist? As no system of religious instruction, however modified, or under any limitations, could be established in the London University, he could not comprehend how the present system of religious instruction, according to the tenets of the Church of England, could be maintained at the two Universities, when all sects should have the right of indiscriminate admission to them. The Universities, it was said, were reluctant to admit Dissenters within their walls, and were also selfishly determined, that they should not obtain a Charter for their own University, which might be enabled to confer degrees. Such a charge would be heavy indeed, if capable of proof; but what was the case? There were many employments—the Masterships of Grammar Schools for instance—which could be filled only by Masters of Arts. The University of Oxford had then contended, that the Dissenters should not perpetrate a fraud upon the world, that they should not assume the colours of the University, under the powerful sanction of her name, and obtain a control over the education of youth, and pervert it from the living faith of the Church. Let the Dissenters confer degrees of their own at their own institutions, and the Universities would not object. If their purpose were fair and honourable, why strive to assume forms adopted by the Universities, and closely and intimately connected with a Church whose tenets they disliked, and whose destruction they avowedly sought? It was not fair, it was not just, to impute a want of charity to the Universities, because they would not allow their enemies to sail under their colours, confounding their enemies with their friends. The noble Earl proceeded to refer to the evils arising in foreign Universities from the want of religious education, and the want of religious tests. Turbulence, infidelity, disrespect of religion and government, and every species of disorder resulted from such causes. In confirmation of this assertion, he might mention the murder of Kotzebue by Sandt, and the disrespect of our Lord's miracles, which were treated as old women's tales by the students of Continental Universities. The unhappy state of the German youth, their fury, infidelity, and ill-regulated dispositions in matters political and religious, were to be ascribed to the absence of that religious instruction which produced so salutary an influence in the English Universities. The same thing might be said of the youth of France. At the University of Paris, no tests were required, and in France, the youth had seized the first moment of political Revolution to rush forward and tear down every emblem of what they termed the Christian superstition. Let noble Lords judge of the character and effects of institutions for education in this country and on the Continent, not according to speculative opinions, but by actual results. Compare the misguided young men of France with the glorious youth of our Universities, who wise beyond their years, and uncorrupted by the dazzling sophistries of the day, even when upheld by the strong arm of power, testified, on a recent occasion, with all the vehement sincerity of their own happy time of life, their devoted attachment to the place and system of their education, to the institutions of their country, and especially to the Church of their faith; by their zeal for those institutions, to my noble friend, the chosen champion of them. Some of their Lordships, might, perhaps, despise these youthful opinions; but others, who looked deeply into causes, would feel that their ardent expression of attachment towards the ancient institutions of the country, and their indignant reprobation of anti-Church and anti-University policy, was but the reflexion of a stronger light, the echo of a deeper and more general voice. The outpouring of their own high-spirited and generous enthusiasm, was but the feelings of their friends and families finding utterance through them; their voice was the voice of the country; and spoke the opinions entertained by the respectability and property, by the virtue and education of the higher ranks of society, and of the middling classes diffused throughout the kingdom. Their Lordships had been advised to comply with the spirit of the age. He cordially concurred in that advice; and when he saw the rising generation unanimous in their opinion, when he found the Masters of Arts, men advanced in life, men coming from no particular district, of no particular party, profession or age, who might fairly be considered to represent the matured education of the country, when he found these men assembled, on a recent occasion, to the number of almost 2,000, and concurring, with scarcely a dissentient voice, in one common view of justice and of policy, and that view, the view adopted by the noble Lords around him, he found that they were strictly following the recommendation of noble Lords opposite, that they were walking with the age, and were in harmony with the spirit of the time. The day was past when noble Lords opposite could induce the world to believe, that the public virtue and intelligence of England wished to subvert the settled institutions of the country. Before he sat down, he must again implore their Lordships to judge of institutions by their results. Abroad, where no tests were imposed, religion was either obscured by extravagant delusions, or had utterly fallen into decay; in England, where tests were imperative, religion flourished, undisturbed by fanatic zeal on the one hand, and unclouded by chilling doubt on the other. Here, and here alone, no excess degraded the purity of the national faith. Generally speaking, a more pious, a more exemplary, and a more devoted race of men, to their great trust, than the Established clergy, had never existed in any age or State, from the highest Prelate down to the humblest Curate. The gentry, too, were animated by similar feelings. To what could he attribute this fortunate state of things, but to the system adopted at our Universities, to which the members of the Church, both lay and clerical, were indebted for their religious instruction. Believing, conscientiously, that the admission of Dissenters into our Universities would endanger this valuable system of religious instruction, he should be a traitor to his opinion if he did not oppose this Bill. He was acquainted with many Dissenters, for whom he felt a high regard, and whose good opinion he greatly valued, and he would most gladly concur in any measure granting them real or imaginary relief, if that could be effected without an abandonment of principle; but supposing the evils complained of to be ten times greater, he never could consent to a measure the necessary consequence of which must be a sacrifice of the established religion. Their Lordships might perhaps be told, that the rejection of this Bill would involve their Lordships in a collision with the Commons; but he was happy to see that it could create no difference between the House and his Majesty's Ministers. He was entitled to say this, after what had fallen from the noble Viscount at the head of the Government. For the rest, he should regret the rejection by their Lordships of any measure passed by a large majority of the Commons; but if their Lordships thought it important, that there should be any religious instruction for our youth, and believed that the present measure tended to destroy that salutary system, then had they no choice but to reject the Bill. The question was no longer between noble Lords on the opposite benches, and noble Lords on this side of the House; the question was between their God and them; and the highest, and holiest motives, imperiously called upon their Lordships to reject the Bill. If, from any motives of mere expediency, they should consent to the passing of this Bill, they would war upon their interests, their duty, their honour, and their honest opinion. Then, and not till then, the authority of that House would fall into contempt. He did not believe that the House would lose the confidence of the country till it was deserved: indissolubly connected with the Monarchy, and deeply rooted in the public estimation it would, not fall,

> Till self-abasement pave the way
> For ruthless chains, and villain sway.

But when their Lordships had abandoned the institutions of the country, the people of England would abandon them; for what could the people need of hereditary defenders, when all which was truly worthy of defence, had been given up?

The Archbishop of *Canterbury* said, that the object of the Bill was to remove certain disabilities which prevented a particular class of his Majesty's subjects from graduating at the Universities of England, and taking degrees therein. It was necessary to call their Lordships' attention to the fact, because, from the language of the noble Earl who opened this debate, it would appear as if this were merely a question, whether certain oaths and subscriptions imposed by the Universities should be removed, for the relief of its members, which had been wrongly or wickedly imposed upon them; instead of being, as it was a question, whether those oaths and subscriptions should be removed, for the purpose of admitting Dissenters into the Universities. He expected to hear from the noble Earl some arguments in favour of the measure before the House; but instead of urging any reasons for its adoption, the noble Earl thought proper to launch into a lengthened invective against the University of Oxford, for having imposed the tests, and accused the members of that University of not believing those declarations to which they affixed their names. The meaning and import of subscription in the Universities had been discussed over and over again in that House, and he would not enter into that question then. He heard with great satisfaction the speeches which followed that of the noble Earl, particularly that of the noble Viscount (Viscount Melbourne) in which the noble Viscount expressed his attachment to the Church in which he was born, and said he voted for the second reading in a spirit of conciliation. Their Lordships would, he thought, admit, that such a Bill as this ought not, in a spirit of conciliation, to be forced on the Universities. After having been discussed with calmness and temper, the noble Viscount said, that it was possible some satisfactory compromise might be come to. He should have been better pleased if the noble Viscount had expressed uncompromising hostility to the Bill. He was also much pleased with what had been said in favour of the Universities, and he could but congratulate the Church and the Universities on the eloquent defenders they possessed, and had acquired, particularly the noble Earl who spoke last, and who had then spoken in that House for the first time. Much of what he had to say upon this subject had been anticipated by other noble Lords, and it was not his intention to go over that ground again. The noble Earl who opened this debate said, the Universities were not originally intended as places of religious education in the doctrines of the Church of England. [The Earl of *Radnor*: I said they were not intended for theological seminaries.] He would admit, that the education in them was not, strictly speaking, a theological one, but most certainly one great object of these institutions was, to encourage a sound religious education, and they had always been connected with the Established Church of the country, whatever that might have been. Religious education and useful knowledge were the objects contemplated in these institutions, and their works spoke for them; for with all the colleges there were churches connected, in which provision was made for performing the service of the Church of England. This was apparent also from the language employed in the Act of Uniformity. The canon required that in the Universities attention should be paid to Divine Service, and to the use of the sacraments, as directed in the book of Common Prayer; and those regulations applied as much to their Universities as to their Churches. In a word, the Universities had been at all times in connection with the Church. It was equally so before the Reformation, before the Romish religion was shaken off, as it was now. From the foundation of the Universities up to the present time, no Dissenters were admitted, except during a short interval of time, which he need not mention, but which he trusted would never be followed as a precedent. The Dissenters were never, with this exception, admitted to degrees; nor would they claim admission now, if they had not some ulterior object in view. He would call their Lordships' attention to the system of religious instruction pursued in the Universities, and then submit to them whether that system was such as Dissenters should be anxious to be admitted to the benefits of it. In the first place, young men at Oxford, not boys under twelve, as had been said, were required to take the oath of supremacy, and to subscribe the articles of religion. In the second place, the tutors were required to instruct them in the evidences of the Christian religion, and to do all in their power to bring them to conformity with the discipline of the Church. In the third place, an examination took place, and it was upon this examination, that the obtaining of a degree depended. It was required that they should be examined in the principles of religion, and a defect in this branch of knowledge could not be compensated by any other acquirement. If the candidates did not give satisfaction on this head, they could have no testimonials, and of course no degrees. The candidate for degrees must be prepared to subscribe the Thirty-nine Articles and the three articles of the thirty-sixth canon. When he first heard of this Bill now under their Lordships' consideration, he questioned a gentleman who had been long a tutor in one of the Colleges of Oxford as to the course of religious instruction adopted in his College. That gentleman informed him that his course was this, and it was substantially the same in all the colleges:—Every candidate for admission was examined in the Scripture History and in the doctrines of the Church of England. He was required to attend a lecture in the Greek Testament every week, and thus to go through the four Gospels and the Acts of the Apostles. Then followed a course of instruction in the Thirty-nine Articles according to Burnett. The historical books of the Old Testament were read through so as to complete the perusal in two years. Every under-graduate went through this course. Besides this, there was a catechetical lecture on Sundays, with instruction in the doctrines and discipline of the Church of England. He did not mean to say this course contained all that was desirable in the religious branch of a liberal education; but it formed an excellent substratum for the knowledge to be afterwards acquired by a member of the Church of England. Another point to which he wished to direct their Lordships' attention was the observance of the discipline of the Church of England in the Universities, so far as related to the attendance of the students at Divine worship. It appeared, that care was taken to explain to every youth, at the commencement of his residence, that he was required to attend the daily and Sunday service of the chapel, as corresponding with the domestic service of a family, and the service of his parish church. He was informed that he would be expected to attend Divine worship at least twice on Sunday, and once on every other day of the week; at the same time, he was encouraged and advised, with a view to his best interests and happiness, to attend more frequently on the week-day, if his health and engagements permitted; and, where the spirit, letter, and authority of the rules had been observed, the sacrament was administered. He was earnestly entreated, both on that and on all occasions, openly to state any scruple that might occur to him; and he was assured that, in so doing, he would always meet the most respectful indulgence. The system of requiring the attendance at chapel of those who are *in statu pupillarii*, was most beneficial; and he could bear testimony to the order and propriety with which the service proceeded. He was conscious that he must have tired their Lordships by entering into a detailed enumeration of this kind, but, after all that had been stated upon these various points in different quarters, it was his anxious wish that their Lordships should know what the system was. He could not forbear saying one word further with regard to the attendance at chapel. Upon this topic he had read reports of language which he very much regretted should have been used, and which he was sure could only have been prompted by a very imperfect knowledge of the effect of this regulation. As far as he could himself understand the objections to it, there was not one of them which might not with equal propriety be employed and which would not tell equally well against any attendance at prayers, whether in private families or in public places. Their Lordships had heard what the system of these institutions was, and it was for them to examine how it would be affected by the measure they were called on to adopt. The Universities required in the first place the signature of the Articles of the Church. Then the student was instructed in the discipline of the Church, and then he was submitted to an examination to ascertain that he had so gone through his studies as that, with a good understanding of them, and with a clear conscience, he was ready to conform to those Articles. Now this Bill repealed the first and last, but left in full force the intermediate regulation. The student, under its provisions, would still be compelled to receive instruction in the Thirty-nine Articles in the ordinary routine of the system, and he would be required to pass through the examination of them before he could be admitted to a degree. He would ask, then, would the Dissenter consent to go through such a course of education in order to be admitted to degrees? Why, no, it was impossible to suppose that he would. Would he not say it was a mockery and an insult to tell him that his son might be admitted to the University, and might be allowed to take a degree, upon the supposition that he would do such a violence to his conscience as to accept the privilege upon such terms as these? Would he not pray rather to be relieved from such an enactment, if it were to pass, which only opened to him the doors of the University upon terms which must be degrading to himself if he complied with them? No strict Dissenter could avail himself of such a law. He knew but little as to the example of the practice of Cambridge which had been so much referred to. He apprehended, however, that not many Dissenters availed themselves of it, though he was informed that there was no means of knowing what was the number who had been admitted into what were called the liberal Colleges; they might be few or many; but the parents who sent them there could not be very anxious that they should remain Dissenters. This too was a state of things which could not be continued after the passing of such a measure as the present. If Dissenters were admitted by an Act of Parliament, it was impossible but that there must be such an alteration of the Statutes of the Universities as would make them more palatable to the parties admitted; there must of necessity follow great alterations, and alterations which he thought would be greatly for the worse. At present young men went to the Universities to learn and not to dispute. When once youth of different persuasions were admitted, he feared that the consequence would be that they would be turned into an arena for theological controversy. That would be one of the first results, and the effect of that upon young men would, in all probability, be in the end to encourage the growth of indifference or repugnance to all religious subjects. There was also another consideration which he thought entitled to claim the full attention of their Lordships, and that was the manner in which the change would operate upon another party, the conscientious member of the Church. At present, when a parent sent his son to the University, he did so in the security that he would receive instruction according to the religious principles of the Church of England, in which he himself had lived, and which he desired to see his son profess. When he entered his son at Oxford or Cambridge now, the member of the Church of England was satisfied that he would return into the bosom of his family a member of the Church of England. If they passed this measure, would the same security exist? Would they not have in its place the dread of proselytism, or of something worse? Was it to be supposed, then, that such a change could be anything but injurious to the Universities? This would be the effect with regard to the lay members of the Church, but upon the clergy he apprehended that the alterations would be still more injurious. At present he thought it was unnecessary for him to call upon their Lordships to admit, that the Universities formed in practice an admirable seminary for the clergy. They all knew how the system answered these important ends as it now prevailed. But after this alteration was there any one who could expect the same results? With this relaxation in the discipline of the Universities the degrees they granted would no longer be a proper certificate of qualification for orders; or if they were, such a clergy would no longer bear the same character in the eyes of the country as they did now. Viewing the question in this light, he must lift up his voice in concurrence with those members of the University who had so unanimously spoken their sentiments upon the subject. Not only the great body of the resident members, but that still more numerous body who were dispersed through the country, had most unanimously concurred in expressing the same strong and clear opinions upon the question. To this remarkable concurrence of opinion from so extensive a body of men, so respectable for their intelligence and learning, and for that due regulation of temper which in combination with a genuine piety formed the character of a true Christian ministry, he thought their Lordships would agree with him that the greatest weight would be due, even if those Gentlemen had assigned no reasons for the opinions which they had so adopted. But they had formally put forth their reasons in a document which he held in his hand, in which all the persons connected with tuition at Oxford had declared the grounds upon which they refused to abandon the laws and regulations of the University. (The most reverend Prelate here read the grounds assigned in the Oxford declaration). Now he must say, that, when such sentiments as these were so deliberately and strongly put forward by those who were best able to judge of the question, he would never be one to give his consent to a measure which he believed calculated to poison the pure fountains of knowledge at the purest sources from which they were now fed? And what was the time, too, at which these demands were made? When open declarations of a determination to subvert the Established Church were absolutely forced upon them on all sides; when those who sought admission to the Universities declared that it was a solemn duty to accomplish the subversion of the Established Church, upon a conscientious conviction that all Church Establishments were not merely inexpedient, but utterly unlawful and unchristian. He thought, then, that no one could doubt that it would be unsafe in the highest degree to place the power of controlling or influencing the Universities in the hands of persons professing such sentiments as had appeared in the declarations of the Dissenters, and had been sanctioned by persons of the highest authority amongst them. He knew that all Dissenters did not adopt these violent sentiments, and that many had signed petitions in favour of the Church which were so much in accordance with his views, that he had been intrusted to present them to their Lordships. But there were persons among them who had publicly avowed those sentiments, and persons of high authority, and their declarations had never been disclaimed by the others—excepting by one highly-respectable body of Dissenters, the Wesleyans. Under such circumstances, when the Church was so threatened, and when those best able to judge of the discipline of the Universities made such strong declarations in its favour, he thought that their Lordships would agree with him that this Bill ought not to pass.

The *Lord Chancellor* rose to address their Lordships, for the purpose of stating his opinion upon this Bill, which had excited, not only within doors, but out of doors, an extraordinary, but not disproportionate, degree of interest; and his principal object in rising then, was, to endeavour to recal their Lordships to the real question before them, because he observed, that one after another of those noble Lords who had addressed the House, had begun by complaining of the noble Lord who had opened the discussion, for having digressed into matters which had nothing at all to do with the subject. He believed, that his noble friend had not thus digressed; but, at all events, those noble Lords had themselves, without any exception, saving only that of the noble Duke (the Chancellor of the University of Oxford), and the illustrious Duke (the Chancellor of Cambridge) — they only were the exceptions to the rule; the other noble Lords had fallen into the very error which they had, unjustly in his opinion, imputed to his noble friend; for they had every one of them been discussing a question which was not before the House. The most reverend Prelate had more particularly fallen into this error. His arguments were certainly most logical, and his conclusions ably drawn; besides which he had given a great deal of information to their Lordships as to the course of study at Oxford; but who throughout argued an abstract proposition or thesis which no one would attempt to dispute upon an occasion like the present. The question before their Lordships was, whether the Dissenters should not be allowed to matriculate in one University as well as in the other, and to take degrees in both, whereas the most reverend Prelate had displayed a great deal of ingenuity in raising another question in its room, which was altogether an independent question, namely, whether it was expedient to discontinue the connection between the course of education at the Universities, and the religion of the country. There could be no two questions more distinct; and any noble Lord voting for the second reading of the Bill might very consistently to-morrow object to a measure to alter the discipline of either University. He would remind their Lordships of what it was that the Bill really did ask, and which he was afraid it was not calculated very efficaciously or certainly to procure, and also what a real practical grievance was, which it was intended to remove. The noble Duke (the Chancellor of the University of Oxford) had argued this matter as coolly as if everything were going on as well as possible, as if there was no grievance, as if everything was perfectly satisfactory, as if there were no complaints, nor any occasion for complaint. The noble Duke, giving this assumption all the weight possible, had again and again asked, why not let matters alone when they were so satisfactory? Like the noble Duke, he was a practical man, and would not enter into speculations or abstract questions upon hypothetical cases, because it was a practical question that was to be discussed, the measure being a presumed practical remedy for that which was felt to be a practical grievance. If that ground could be removed from beneath his feet, he should have none to stand upon in support of this Bill; and he would even go the length of moving, that the second reading be postponed, or else he would move the previous question as the most approved technical mode by which their Lordships got rid of an improper subject, and avoided voting upon an abstract proposition. Was it no grievance, that because a man happened to differ in opinion from the members of the Established Church upon religious principles, which he as conscientiously believed, as the members of the Established Church believed theirs, (but in as much as the latter professed a doctrine which entailed upon them no disabilities, while the Dissenter had not only no interest in professing his opinions, but as on the contrary, it was directly against his interest, his sincerity ought to be at least as unquestioned as theirs);—was it, he asked, no grievance, that a man thus sincerely believing an opinion different from that of Churchmen, was, on account of that sincerity—for if he were a hypocrite, he need not be excluded — shut out from the enjoyment of some of the greatest temporal blessings, namely, those which a good education could bestow? Even if all the obstacles to taking degrees were removed, the Dissenters must still of necessity be subjected to some disqualification, and would be worse off than members of the Established Church. It was against the conscience of the Dissenter to subscribe to the Thirty-nine Articles; and unless he were a hypocrite he must openly profess his creed; and for that reason was he to be excluded from some of the most valuable fruits of a University education, and from some of his rights as a citizen? Was it nothing, that a man could not send his child, nor go himself, if young enough, to those illustrious, ancient, and greatly renowned seminaries, for the purposes of a medical education, because of his creed? Was it nothing, that he must go to other countries into a species of banishment, and at an enormous expense, instead of gaining admission to that which noble Lords themselves had declared to be the best seminary—and in saying so they stamped as real, and well founded, the grievance the Dissenters strongly complained of. They had declared those Universities to be better than any other that had ever been established, or that was likely to be established; and were the Dissenters then to be excluded from these excellent means of education, because of a conscientious difference in religious opinions? Was it no grievance, that a man could not study for the professions which might be most useful and lucrative to him in after-life at those Universities; that he could not be admitted, or, if admitted, he would be stopped at the outset? At Oxford, he was not admitted at all, and even at Cambridge, he would be stopped short, just at the period when he would be likely to reap advantage from the institution. Was it no grievance, that a man seeking a medical education should be compelled to go to Paris, or Pavia, or Edinburgh, at a very enormous expense? He would remind their Lordships, that the rule which said, "Because you are not a member of our Church, you shall not practise as a physician, or you must go abroad to learn," was a rule, or law, or custom, that strongly savoured of persecution. The object of the present Bill was, that the Dissenters might no longer be refused matriculation at Oxford, or degrees at either University, unless they subscribed the Thirty-nine Articles, provided they were, in all other respects, properly qualified. It was a great fallacy to say, that it was a sort of force to compel the Universities to give degrees to the Dissenters. It would only place them on the same footing as members of the Church of England; but the Colleges would have the power still to give degrees to the one, or withhold it from the other, as they might think fit. All that the Bill did, was, to save the Universities from the consequences of making subscription necessary, antecedent to obtaining degrees, so as to enable the Universities to give degrees to those who would otherwise be precluded from obtaining them. He agreed with his noble friend at the head of the Government, that the Bill had defects, for if the Universities could not see the matter in the light that he did if they could not see their fetters, and would, not shake them off, necessarily the Bill could not meet with a cordial reception amongst those learned bodies, and the Dissenter would not receive the same benefit as if the matter had originated with the Universities themselves, or as if a middle course had been struck out. But, as he had already said, as they could not compel the Colleges to elect any particular person, or to grant to any particular individual a degree, it would be quite possible that the Dissenters would still find themselves rejected from matriculation at one University, and from degrees at both. Though he believed this to be quite possible, yet he could not go the length of the noble Earl near him (the Earl of Carnarvon), many of whose sentiments astonished him when he recollected the part he had taken upon the Catholic Question. The noble Earl had said, that if this Bill should unhappily receive the character of law, it would be treated as compulsory on the consciences of the members of the Universities, and would not be obeyed. He thought better of those Colleges than did the noble Earl, or than did those who cheered the noble Earl when he uttered the opinion. What he apprehended was, simulated obedience, an outward show of obedience; and as "A man convinced against his will," was proverbially said to be "of the same opinion still," he was afraid that the Colleges might not admit Dissenters at one place, and not give them degrees at either, as the matter would still remain, notwithstanding the present Bill, entirely at their own option, for that only provided that they should not require the subscription to the Thirty-nine Articles as the test of exclusion. The doubt which he entertained with respect to the present measure was, not that it was not politic—not that it was not wise, or prudent, or Statesmanlike—

but that it would not be efficacious—for that which was done, if he might so say, against the grain, was not very likely to be of much practical benefit in its operation. He could not but regret, that certain noble Lords had not had opportunities, or if they had, that they had not availed themselves of them, to form a correct judgment of the Bill before the House. It must be apparent to the House, that the most material point, with respect to the subject of the present discussion, was, the granting of degrees; and he had no hesitation in saying, that if the Universities would wave the demand for subscription before matriculation, and would grant degrees — especially medical degrees—without requiring the subscription, a great bulk of the grievance complained of would be removed. He made a distinction between the case of medical men and lawyers, because, although he must not forget that a lawyer with the degree of Master of Arts might be called to the Bar within three years after his admission to one of the Inns of Court, instead of five years, yet that, as their Lordships were aware, was not law, it was not a matter of right, but was a mere private regulation of the Inns of Court—a regulation that could be altered on the morrow without the slightest difficulty. The Inns of Court might make a regulation to the effect, that a certificate of four years' residence at a University would be sufficient to save two years' attendance at the Inns, in the student's progress to the Bar, or it might entitle the student to the same privilege as if he were a Master of Arts. This would put the profession of the law —so far as Dissenters and Churchmen were concerned—on a footing with other professions; and, as he had before observed, if the Universities were then opened to members of the medical profession obtaining degrees, it would be the removal of a great bulk of the grievance complained of. Another matter which had been thrown out for consideration was, whether or not persons not belonging to the Established Church should have any part in the government of the Universities—should be admitted to fellowships, scholarships, and other situations of trust, emolument, and authority, in the Universities? He was a decided advocate for the claims of the Dissenters; but he could not help saying, that when the power of obtaining degrees was given to them, they had received all they had a right to ask. They had no right to complain of being excluded from fellowships and other such situations. These were founded for members of the Established Church, and those who were not members of the Established Church had no more right to claim that they did participate in the pecuniary advantages which belonged to that Church, than a member of that Church had to share in the endowments founded at Highbury or any other dissenting College. The individuals who bestowed the funds from which fellowships were kept up had a right to prescribe any restriction they chose upon the disposal of them, and the Dissenters had no more ground to complain of their exclusion from these emoluments than they had to admission into any private charity. But a noble friend of his had presented a petition from a body of Dissenters which complained, not only of non-admission to the Universities, but also to the national schools. These, however, were but trifling errors on the question; from any great errors in their view of the subject the great body of the Dissenters was entirely free, and he did not think that on this trifling matter there was anything like ground for an argument against their claims. He should wish to trouble their Lordships with a few words upon subscription generally. He confessed he could not think his noble friend had been justly taken to task for his observations on subscription, when the very point they met to discuss was, whether or not subscription was necessary to qualify for matriculation, or for the taking of degrees. The noble Duke had spoken of the union between Church and State, and had doubted whether that connexion could be preserved if this Bill should pass into a law. Now, it so happened that this question of the alliance between Church and State stood on very extraordinary ground. It had not been introduced by Churchmen, but by Dissenters. It appeared to him, that when they prayed for the establishment of a voluntary Church, as it was called, in place of the existing establishment, they employed a very vague, indefinite, and fantastical form of expression. He knew what they meant by it, but if he had not known it before, he should not have been much better for the explanation given by the noble Duke. The noble Duke's explanation was, that the meaning of the words "union in Church and State," was a typification of the connexion between the King, as the Spiritual head of the Church, and the Church. This explanation might do for England, it might do for Ireland, but this was not the meaning of Constitution in Church and State. It would not apply to Great Britain, for every Presbyterian held it as an article of faith, that the King had no authority over the Scottish Kirk. This was not the meaning attached to it by the author who first spoke of the alliance between Church and State, Bishop Warburton, for he obviously contended that the religion of the State should be the religion of the majority. He put it to the vote; he counted noses. So in Scotland, according to Bishop Warburton, Constitution in Church and State, meant a Presbyterian Church with a Protestant King; in England, an Episcopal Church, with a King, defender of the faith: and in Ireland, he was afraid (for the proportions of believers in the two religions was as seven to one), that it would have been a very different Church indeed from what that Church now happily united to the Church of England was. This would have been the principle of Warburton—a man who was undoubtedly a great ornament to the literature of the age in which he lived. For his own part he was, and ever would be, an enemy to any measure, the tendency of which was to shake the institution of the Protestant Church; but, in times like the present, knowing, as he did, the great numbers of the Dissenters—aware, too, of their high respectability—their great talent—their growing wealth and increasing power—he was decidedly of opinion, that not only to prevent an injury to the Established Church, but to render its foundations more impregnable to assault, it would be wise and politic to adopt some measure (and he knew of no measure better calculated to effect the object than the Bill under consideration) for the purpose of removing all those disqualifications, known as "religious disabilities." The subject of subscription had been discussed at considerable length, and he thought the noble Duke (the Chancellor of the University of Oxford) had not discussed it successfully. The noble Duke had said, that the subscription of a boy between the ages of twelve and sixteen to the Thirty-nine Articles only implied that he belonged to a Church of England family, and that he promised when he arrived at mature age to study the meaning of the Articles which he subscribed. Now, the noble Duke had clogged this definition with an adjunct which the authors of it never thought of—namely, that he professed to be of a Church of England family. Why, surely the noble Duke would not tell him that it was of any consequence to his University whether a person belonged to a Church of England family, or a Dissenting family, provided he subscribed the Thirty-nine Articles; and if this was the ground on which the noble Duke rested his argument, would it not be better to make him subscribe to a paper of three lines, which both he and every one else could understand, declaring that he would, as soon as he was of mature age, read the Thirty-nine Articles, and if he was able to believe in them conscientiously, that he would belong to the Church of England? "Instead of which," said the Lord Chancellor, "you begin with them first, you swallow first, and digest afterwards." Between the horns of that dilemma he would place the noble Duke. It was remarkable that the University itself made an exception in favour of those admitted to the University who had not obtained the age of twelve years; the student, from twelve to sixteen, must take the oath, but in the words of the statute "*quod si duodecim annos non excesserit, in matriculam duntaxat referatur.*" The boy was not competent at twelve to form a judgment on the merits of the Thirty-nine Articles, but if he was between twelve and sixteen, he was of such mature age that he was quite able to judge for himself of the points of faith which they embraced. Evidently, therefore, something must be meant beyond the mere promise to understand them when he arrived at mature age. In that distinction consisted the very *crux* of the argument which he was pressing upon their Lordships' attention. But no matter what might be the opinion of their Lordships upon the nature of the subscription-oath, he (the Lord Chancellor) could not help thinking that which the House had to deal with at present was not the nature, but the consequences of that subscription. He would ask, did this subscription bring no odium upon those ceremonies to which it was intended they should add some degree of reverence? But, in fact, it was impossible to pursue the subject without meeting at every turn some new and glaring inconsistency, without catching, at every *vista* that appeared, a new view of that temple of Folly, built up by the impotent fury of those who made religious opinion a disqualification from political power, and extolled Test Acts as the security of the Church and State. He could not help expressing his astonishment that a noble Earl should signalize his accession to that House by an elaborate eulogy upon all sorts of Test Acts. The noble Earl to whom he alluded had spoken of Test Acts as a great blessing, without which religion would waste away. The noble Earl had indulged himself with an elaborate panegyric on the wisdom of Oxford, and had visited the German Universities with unsparing anathemas, because they had no religious tests. Now, in the first place, these tests had no worth as barriers against the admission of Atheists. The test was only a test to the conscientious man; he was excluded, while the knave, whose conscience was seared as it were with a hot iron, would swallow any tests that could be imposed, either by the Statutes of the realm, or those imitative statutes which the Universities framed. By offering a test to such a man there was no appeal to his conscience. The appeal was made to his sordid passions, to his self-interest, to his pocket, to his vanity, to his love of pelf, and he would be ready to subscribe, as some such man had declared he would subscribe, to Sixty-nine instead of Thirty-nine Articles. But the honest, conscientious, and truly pious man, because he disdained to tamper with an oath, would be shut out altogether from the advantages which the infidel would obtain. The German professors, against whom the noble Earl had directed his reproof, would as readily as the most conscientious clergyman take any tests which the University could impose. By the way, he did not like the manner in which foreign countries had been spoken of. There might be many men who would deny that we were the most powerful nation in the world; there might be many men who would deny that we were the wisest nation; there might be many men who would deny that as a nation we possessed the greatest share of ingenuity; but no one could deny that of all people in the world we were the most easily pleased with ourselves. No doubt it was very agreeable to revel in the praise which had been made for one's own consumption, and to devour the luscious sweet at the very instant of its formation. But, to say nothing of the Germans, our own country could furnish many instances of students, fellows, and tutors, whom no test ever scared. No one who ever read David Hume—that celebrated metaphysician, but not over-religious man—not one who was righteous over much—could but allow that the same mode of thinking which led him, as well as Dr. Middleton, to argue as he had done, would induce him to take any religious tests that might be required. He could not understand the consistency of those who gave the Dissenter admission to both branches of the Legislature, which must control the Universities, and yet refused him admission to those very Universities. All offices were open to them, the great Seal itself was open to them, and a noble and learned Lord who was a predecessor of his was actually a Presbyterian. He had already stated, that he should be much better pleased if by a mutual understanding between the Universities and the Dissenters, the grievance of which the latter complained might be removed, and if the Bill should be thrown out, for he would not say he had any expectation of its being carried, he could then only more earnestly entreat the heads of Colleges—he could only entreat the noble Lords who opposed the Bill to use all their influence to induce the Universities to admit the Dissenters by an amicable arrangement before the next Session of Parliament. The noble Duke had said, let the Dissenters go to their own institutions, let them have an University of their own, and not interfere with the Universities of the Church of England. That was a fair proposition; but when the Dissenters did attempt to get a Charter for an University of their own, the same learned bodies were found to meet them in front, and to object to their obtaining the power of conferring degrees similar to those conferred by either Oxford or Cambridge. Those learned bodies would neither give the Dissenters degrees nor allow them to obtain them elsewhere. Their doctrine was, that if a man is a Dissenter he shall obtain a degree nowhere. He would do those Universities, however, the justice to say, that he thought they would soon see that one of the positions they had taken up was altogether untenable, and he hoped he should soon see some equitable adjustment between them and the Dissenters, or see them withdrawing their opposition to granting a Charter to the London University. The noble Earl behind him (the Earl of Carnarvon) had been pleased to speak of that body, and had hinted that Jews and Roman Catholics and even Atheists were pretty numerous there. [The Earl of Carnarvon had not used the word Atheist]. He was sure, that some noble Lord had used that word, but whoever might have used it, he was sure it was undeserved. Now, not only were the names of the Council and of the Professors a sufficient reply to this imputation, but he was bound to say, that there existed in that University a very strong marked religious feeling, both amongst the professors and amongst the students. Upon the whole, he confessed, that whatever might be the fate of this Bill, he was not sorry that the worthy individuals who framed the measure should have passed it through the other House of Parliament, and brought it to receive that discussion in their Lordships' House, which a subject so plain, both in the nature and amount of the grievance, but not so plain as to the remedy to be afforded, fully deserved. He was quite sure, that nothing but discussion was wanted to set the merits of the case in a clear light, and that by discussion the cause of the Dissenters, if not this or the next Session of Parliament, must ultimately triumph. A measure so sound in principle, and so expedient in policy, must receive the sanction of every branch of the Legislature.

The Bishop of *Exeter* did not expect that anything would be said that would require an answer from him; and most of what had been said was entitled to his warm and sincere thanks, inasmuch as it showed, that this Bill could not for an instant be entertained. The noble Earl who opened the discussion did not address himself at all to the Bill. He made some attacks upon the Universities, and upon him (the Bishop of Exeter); but he acquitted the noble Earl of anything like an intention of being uncandid or uncourteous. The noble Duke, the Chancellor of the University of Oxford, had defended that learned body so as to make all other defence unnecessary. The noble Duke had defended it from the heavy charge of perjury, and of subornation of perjury; and every individual belonging to it from the charge of being perjured. He need not remind their Lordships of what the noble Earl said of this charge of perjury, and of the proof which he thought would confirm it; nor need he remind their Lordships of the answer which had been given to that charge by the noble Duke; but he would say, that the answer was not quite complete. When first he heard the noble Duke give that answer, he thought it completely exonerated every individual from the charge of perjury; but a moment's reflection satisfied him, that the noble Duke had (with him a strange and rare thing) failed, as far as one individual was concerned—the noble Earl who brought the charge. The noble Earl said, that he had been at the University of Oxford, and had taken the Oath to obey the statutes of that University, and that the statutes enjoined a great number of foolish things; that persons were therefore in the constant habit of breaking that oath. The noble Duke showed, that all persons who knew what the oath was which they took, broke no oath at all; but that they swore to do what the statutes enjoined them, or else to suffer the punishment imposed. All who knew the statutes were acquainted with that alternative; but the noble Earl who had sworn to obey the statutes was not aware of that provision, which was properly introduced, namely, that if they submitted to the penalty for a breach of the statutes, there was no perjury incurred. The noble Earl was unknowingly less guilty than he supposed himself; but as the noble Earl, without knowing that qualifying clause, constantly went on violating these statutes, it was not very easy to acquit him altogether of paltering with his oath.

He had listened with much attention to the noble and learned Lord, with the hope of hearing what were the reasons which had rendered this Bill necessary—a Bill which, it was obvious, if it passed at all, must press upon those distinguished bodies to which it related with great severity. After the closest attention to the speech of the noble and learned Lord, he was in very nearly the same state of mind as at first, except that he had derived the satisfaction of knowing, that even the powerful mind of that noble and learned Lord could not devise anything like a decent excuse for violating the privileges of those chartered institutions. The noble and learned Lord said, he was not a speculative, but a practical man, like the noble Duke. He was glad that the noble and learned Lord resembled the noble Duke in any quality; for he could assure the noble and learned Lord, that the more he resembled the noble Duke, the more it would entitle him to honour, gratitude, and veneration. Now that the noble and learned Lord had begun to take the noble Duke as his example, he would, it was to be hoped, continue to imitate the noble Duke's high qualities—not those warlike qualities which could not be an object of imitation, but those statesman-like qualities, and, above all, that open, direct, straight-forward conduct by which the noble Duke had rendered as great service to his country in the Cabinet, and in the Senate, as in the field. The noble and learned Lord, as a practical man, looked to this measure for the redress of a grievance which was actually felt, because persons, as the noble and learned Lord said, for conscience-sake were excluded from some of the most valuable privileges, which, as men and as parents, they could enjoy. They could not send their sons to obtain the best possible education, because they were excluded, said the noble and learned Lord, from those illustrious seats of learning—from those eminent seminaries, which alone, in this country, could give that perfect education which a good father would seek for his son. Why were these persons excluded? Because they were Dissenters, and being Dissenters, it was impossible for them to be partakers of the education which was given at the Universities. The education given there was an education in Christianity according to the doctrines of the Church of England; as Dissenters, therefore, they could not be educated in them. The Colleges were Corporations for the purpose of giving an education according to the doctrines of the Church. The real grievance then was, not exclusion, but their own dissent: they were not excluded, but being Dissenters, they excluded themselves.

Of the Bill itself, he must say, that it seemed to him to be almost *felo de se.* It said, that education should be given to all the subjects of the realm. But what was education? A scheme of instruction in the exact sciences, or even in the range of classical literature? No; the business of education was to make men good Christians and good citizens. Now, this could only be done by imbuing the mind with the principles and precepts of true religion. Education, therefore, to be worthy of the name, must be founded upon religious instruction. Religion was the pervading principle of sound education; and instruction in religion could be given only in some precise and definite form. He must remind their Lordships, that, in ascribing this importance to religion as the pervading principle of sound education, he was not speaking his own sentiments merely, though the language was his. He would read to their Lordships the language of the highest intellect England ever produced—the language of Milton,—who said, that "the end of learning was to repair the ruin entailed upon mankind by their first parents, teaching them to love and imitate God." In a well-known passage, he said, "I call, therefore, a complete and generous education, that which fits a man to perform justly, skilfully, and magnanimously, all the offices, both public and private, of peace and war." ["*Hear, hear!*"] That the noble sentiments of Milton, expressed in his own language, should call forth so unanimous a mark of their Lordships' approbation, even when falling from his lips, surprised him not. Milton said, religion was necessary as the foundation of that good and complete education which was to fit a man to perform justly and well all the offices of life, both public and private. The cheers of their Lordships convinced him, that their Lordships concurred in the just sentiments of the illustrious writer. He repeated, that religion must be the foundation of sound education, and that religion could not be taught except in some definite form. Here, too, he had very high authority—the authority of one of the ablest Englishmen now alive; he had the authority of the noble and learned Lord upon the Woolsack. Their Lordships were aware that the noble and learned Lord interested himself very warmly in the establishment of the London University, and that he strove long and laboriously to devise some general plan by which that University should be enabled to give instruction in religion; but, as the noble and learned Lord had told the world before, and as his just feeling and accurate understanding had induced him, this night, again to repeat, he found himself compelled to relinquish his design, because of the difficulty of giving fit and wholesome religious instruction to a member of one religious denomination, which could also be given, without offence, to the conscience of the members of another religion. That being so with regard to the University of London, it was a little hard that the Universities of Oxford and Cambridge should be put in such a position, as that, upon the very same principle, religious instruction should be abolished in them. Should this Bill become a law—should every class of his Majesty's subjects be admitted into the Universities—this case would inevitably arise: persons of different religious opinions would assemble in the Universities; justice, and a due regard to the consciences of each, would demand that there should be no religious instruction at all; because it was impossible that any system of religious instruction could be devised which would not, in a greater or a less degree, interfere with the conscientious scruples of some. He conceived this Bill then to be *felo de se*, because, though in the preamble, it declared it to be highly expedient (which he admitted to be a truism) that the benefit of academical education should be open to all classes of his Majesty's subjects, yet he contended, that by subsequent provisions, it excluded the possibility of academical education being afforded at the Universities, because it would remove the ground upon which all sound education must necessarily depend—instruction in religion. That reason alone was sufficient to warrant their Lordships in rejecting the Bill; and he was not aware of any just or reasonable ground upon which the Dissenter could claim admission to the Universities.

The noble and learned Lord had indeed said, that professional men, being Dissenters, suffered great hardships in consequence of the present state of things at the Universities, that persons educating for the medical profession, if they be Dissenters, could not take a degree at Oxford or Cambridge, but must go abroad to some foreign University, or else to the Universities of Edinburgh or Glasgow; and this, the noble Lord said, was often a matter of serious inconvenience, on account of the great expense entailed upon the parties, and that therefore the opening of the English Universities to medical students of all denominations of religious faith, would be a great advantage. Did those Universities afford a cheap medical education? Did persons constantly resort to them to acquire such an education? Did persons who were educating for the medical profession, and whose circumstances compelled them to consider economy,—did they, being members of the Established Church, uniformly repair to Oxford or Cambridge? Quite the contrary. Persons compelled, by economical considerations, to get their medical education as cheaply as possible, carefully avoided Oxford or Cambridge, because the expense of education was greater in those Universities than in any other seat of learning in Europe. He wished the expense of acquiring a medical education in our Universities was lessened, and that the Universities could enable every person, however moderate his circumstances, to enjoy the advantages of that instruction they were capable of giving in the science of medicine. Again, the time required at Oxford and Cambridge previous to taking a degree in medicine was much longer than at other Universities. At Edinburgh, a student might obtain a medical degree in three years, but not at Oxford or Cambridge; and it was a constant practice for members of the Church of England, as well as Dissenters, to avail themselves of these advantages, and acquire their doctor's degree at the Edinburgh and other Scotch Universities, in a shorter time, and at a less expense, than their object could be accomplished in England. The alleged grievance, then, in respect to medical degrees, as affecting Dissenters, had absolutely no foundation. With respect to the profession of the law, that had been admitted by the noble and learned Lord to rest, not with the Universities, but the benchers of the Inns of Court.

The noble and learned Lord had alluded to the topic already so much adverted to—the topic of subscription. He would not occupy much of their Lordships' time on that point. He concurred with the noble and learned Lord in his definition of the object and meaning of subscription. The noble and learned Lord asked, what was the meaning of subscription? and answered—Why, that the party subscribing had an opinion, or an inclination of opinion, in favour of the doctrines contained in the Thirty-nine Articles of the Established Church. He agreed in that definition of the meaning of subscription; and should freely agree in it, even without the saving clause with which the noble and learned Lord had accompanied it. He went even further, and said, that subscription should not be called for except at such an age as that the party subscribing might be supposed to entertain a deliberate confidence in the authority of the Church to which he belonged. But suppose, upon appearing to matriculate, it were simply required that a young man should say—"I am a member of the Church of England;" would anybody think that tyrannical? And yet that, in effect, would be the same, as what he does in subscribing the Thirty-nine Articles. For if he were asked, "What do you mean by being a member of the Church of England?" He would answer, probably, that "it is the right and true Church?" "Right in what?—in its views of religious truth?" "Yes." That was the answer which every young man would give:—in other words, he must say, that he believed in the authority of the Church in which he was bred up. He must say, that he believed the notion which that Church entertained of Christianity to be correct;—in other words, that he believed in its Articles of religion. He admitted, as the noble and learned Lord had said, (not, to be sure, that there were 100 abstruse metaphysical questions, but) that there were some propositions of a deep metaphysical nature comprehended in the Thirty-nine Articles of the Church of England—propositions which undoubtedly youths (not as the noble and learned Lord had stated, of ten or twelve years of age, for such rarely went to the Universities, but) of sixteen and upwards could not, without a great deal of instruction, be made to comprehend. But the greater number of the Articles consisted of the fundamental truths of Christianity, expressed in plain terms, and capable of being comprehended by every one capable of reading them. In some of them metaphysical and obscure doctrines were alluded to; but they were in general nothing more than articles of practical religion which every man who was a true Christian ought to adopt if he understood Christianity. ["*Question.*"] He could not but regret, that there were any of their Lordships to whom such a discussion was wearisome; nor would he willingly trespass inconveniently on their attention; but there remained one or two topics to which he was bound to refer. It had been said, that subscription to the Thirty-nine Articles, or to any special Creed, ought not to be required, and that there should be some general and comprehensive mode of teaching religion. Had those who made that assertion ever taken the trouble to consider what such a comprehensive mode of teaching religion would amount to? Universal comprehension would be universal exclusion. A system which would include all persons must necessarily exclude all principles; for, seeking to exclude all material points of difference, it must exclude the distinguishing principles, both of the Church, and of every description of Christians—nay, of Christianity itself. Such would be, strictly, positively, and literally, the result of a system of universal comprehension as regarded instruction in religion. For, why should one man's scruples be attended to, and not the scruples of another? The reason which made it necessary to exclude one doctrine because your nearest neighbour objected to it, made it necessary to exclude another, because that displeased a neighbour a little further off; and thus, in endeavouring to comprehend all, you would necessarily exclude all.

The existing system of teaching religion at the Universities was, he repeated, strictly in accordance with the objects for which these great bodies were founded, and for which they received their charters. The noble and learned Lord had not attempted to invalidate the claim made by the noble Duke for these great chartered corporations; and if the noble and learned Lord had attempted it, he must have failed. The noble Duke had justly told their Lordships, that these bodies were chartered for the performance of certain duties, that they discharged well and truly their duties, and that Parliament, therefore, though it had the power, had no right to interfere, and drive them to a course of action different from that which they had hitherto pursued. The noble Earl who brought forward the measure in that House seemed to anticipate this argument, because he referred to some gross mismanagement at Oxford, about four-and-thirty years ago, and which the noble Earl said he (the Bishop of Exeter) was one of the first to reprobate. That was true; for he reprobated as strongly as any man an evil whilst it endured, and he admitted that, at the period referred to, there was much to condemn in the management of education at Oxford; but he was not prepared, like the noble Earl, to punish the University when the evil was past. The noble Earl's argument was, that we were now at liberty to interfere with the University of Oxford, because, when he was a member of it, more than thirty years ago, the governors of that University had grossly and shamefully departed from their duty — the teaching of religion according to the Articles of the Church of England, in the way that their Charter and their Statutes demanded. Those days, however, were gone by. The Universities had reformed themselves, without " any pressure from without." From a sense of duty they had set the matter right; and he was sure the noble and learned Lord who presided over the highest Court of Equity in this country, would be the last man to say that the Legislature ought to regard the corruption which might have prevailed thirty years ago as sufficient reason to disturb a chartered institution now conducted by its own members in a most excellent and exemplary manner. The Dissenters complained, that they were not admitted to the benefits of these institutions, an interference with which could only be justified by their mal-administration. That was the grievance. The Dissenters were cut off from the best possible system of education, the education adopted by the Universities of the Church of England. In other words, these glorious institutions now discharged the duties and achieved the objects for which they were founded, in the best manner; and, because they did their duty admirably, their Lordships were required to interfere with them, and tell them that they should no longer be at liberty to pursue the course which they had hitherto pursued with the best effect.

It had been said, these were national institutions. He admitted that in one sense. They were national, because they were the two great seminaries for instruction in the national religion. They were also national institutions so far as they reflected the highest national glory on this country in foreign parts; for there was nothing for which England was more honoured abroad than for the surpassing renown of its Universities. But in no other point of view were they to be regarded as national institutions, for it could not be pretended even that they were supported by the nation. He had heard of an argument of this description which had been used in another place by a right hon. Gentleman whom he very much respected—he meant the right hon. Gentleman, the present Secretary for the Colonies. When that right hon. Gentleman held the inferior situation of Secretary to the Treasury, he brought forward a vote for paying the salaries of certain Professors in the Universities. That vote was strongly objected to; and what did their Lordships think was the defence which the right hon. Gentleman set up for his Motion? The right hon. Gentleman expressed a hope that the House would agree to the vote, adding, that if they did not, they would take away one of the strongest arguments in favour of carrying this Bill. While they voted any portion of the public money, however trifling, in aid of the Universities, they would, he said, be able to assert that those institutions were *pro tanto* supported by the State; and this was the only argument which he (the Bishop of Exeter) had ever heard in vindication of the measure. Such was the argument, and such the man by whom it was used; but he would ask whether it could be really true, that in this great, this free country, it could be thought that the mere show of liberality towards the Universities—the exercise of a liberality, he must say, in every way so paltry, so insignificant,—would justify the Legislature in breaking in upon those institutions, and not only violating the feelings of the persons connected with them, but depriving them of those rights and privileges to which, according to the laws of the land, they were as much entitled as any other Corporation in the country? It would, in his opinion, be despicable, and contrary to all good faith, to withhold those payments; for how did these grants first originate? It was not until the reigns of George 2nd, and George 3rd, that our Sovereigns, in modern times, began to extend their liberality to the Universities, and they endeavoured to promote science by endowing Professorships in the Universities, providing for the payment of the professors' salaries out of the hereditary revenues of the Crown. By a bargain which had recently been made, the hereditary revenues of the Crown were taken away; and thus it was that Parliament had been called upon to execute the wishes of former Sovereigns by voting money for the maintenance of the Professorships which they had instituted. Parliament was as much bound to continue those grants, as any other appropriation out of the hereditary revenues which Parliament had accepted. When, however, such grants were descanted upon, surely it should not be forgotten that by the tax on degrees several thousands were annually returned to the public purse; and if, instead of imposing that tax, the Universities were left entirely to themselves, and could devote the whole of their resources as they thought fit, not only would they be able to support themselves independently of the nation, but the Government would receive the thanks of the Universities, and of every person connected with them, for enabling them to apply all their own funds to the promotion of science.

It did not occur to him, that he had left any argument untouched, except that which went to show that this Bill was calculated only to promote peace. That argument had, however, been so ably confuted by the noble Earl opposite (the Earl of Carnarvon) and by his most reverend friend, that it would not be necessary for him to make many observations upon it. He would, however, ask their Lordships whether the language used by the persons who sought redress for the grievance they complained of—namely, their exclusion from the benefits of the Universities, accorded with the statement, that peace would be promoted by this measure? He had been at the pains of selecting some passages from the petitions which had been presented on the subject. In one presented by the Unitarians of Plymouth—and he begged their Lordships' attention to it, the petitioners complained of being "refused admittance into the Universities of Oxford and Cambridge, and to an equal eligibility to all their offices of dignity and emolument." He had no reason to believe otherwise of the petitioners than that they were highly respectable; but then it was evident, according to their own showing, that this Bill was not the measure for which they sought. Indeed they must look upon this Bill as a mere mockery, for what they wanted was "equal eligibility to all the offices of dignity and emolument," and not that which this Bill would give them. They desired to have, what this Bill expressly withheld,—a share of the endowments and of the government of the Universities, and to preside over the religious education of the young men placed there for instruction. Nothing short of this would satisfy them; and therefore it was idle to talk about this Bill being calculated only to promote peace in or out of the Universities. It would do nothing of the kind. The Unitarians of Bridgwater prayed, "that the honours and privileges of the Universities might be thrown open to all of every sect and party;" and the prayer urged by the Dissenters of Nottingham was "for free admission to the advantages, offices, and powers of the Universities." It was, therefore, ridiculous to suppose that these persons would be satisfied with what was proposed to be conferred by this Bill — degrees, without power and without emolument. The only other petition to which he should allude was one from the Dissenters of Hull, and the sentiments which they expressed were peculiarly deserving their Lordships' attention. In this petition was the following statement:—"To withhold from them civil rights and literary honours on account of their religious opinions are injuries which no Government of a free and enlightened people would wisely attempt to perpetuate; that this injury is inflicted on them in closing against them the chartered Universities of the land: that your petitioners, therefore, entreat your right hon. House immediately to redress the grievances under which they have so long and so unjustly laboured, by granting them the abolition of the unjust monopoly of academical honours, and establishing on liberal and comprehensive principles the Universities of London and Durham. And your petitioners further pray your right hon. House entirely to abolish the unscriptural union between Church and State as soon as it can be safely effected, and with due regard to the existing interests of all parties concerned." It could not, he thought, be said, that this Bill would satisfy these parties; and whether the Universities were well or ill managed, one thing was clear, and that was, that they were endowed for sacred purposes, with which the Legislature had no right to interfere, whether they were poor indeed, or, whether they had been left in possession of ample wealth. In either case, the holders of the advantages derived from institutions founded for such purposes, were bound to resist the separation called for by these petitioners. In moving that petition, what did the reverend Mr.

Stratton say? He stated, that "there are twenty-two foundations in the Colleges at Oxford, which were in existence before the Reformation, and, therefore, we have as much right to them as Churchmen." Mr. Stratton was a person of great distinction in his sect. He was one of the deputies to the general meeting in London, and took a prominent part in the discussions and resolutions of that meeting. At Hull, he was distinguished and claimed to be distinguished for his moderation. And what was the tone of this moderate Gentleman? He went on to say—"There are those who have contented themselves in their petitions to Parliament with only asking for the redress of their grievances, and saying nothing of the dissolution of the union between Church and State." (This was one extreme, it seemed, to ask only for the redress of all that the petitioners deemed grievances: it was an extreme of moderation and weakness.) "There are others who have gone a little too rashly forward, and demanded the immediate dissolution of Church and State." (This was the extreme on the other side, the side of rashness. Now for the proper mean, the *Juste Milieu*, between these two extremes.) "What we desire is something between these two extremes. Our petition does not, indeed, pray, as some others have done, for the immediate dissolution of Church and State; but looks forward to the accomplishment of that great and glorious object." To the accomplishment of this object, their Lordships were now called upon to take one very important step; and he trusted that, in coming to a decision upon the question, they would not fail to remember that they were so called upon. These were the only petitions to which he would refer. But a memorial was addressed by the Independents and Baptists of Leeds to his Majesty's Government, and was courteously received by a right hon. Gentleman not now in England; because, as that right hon. Gentleman stated, the Government were under great obligations to the Dissenters of Leeds. In this memorial, they stated that they conceived the revenue and property of the Universities to have been transferred at the time of the Reformation, and that the benefits derivable therefrom ought to be equally accessible to all British youths; and they demanded, not merely admission into the Universities, but also a full share and participation in all their endowments. Under such circumstances, and such being their expectations, this Bill, so far from satisfying these memorialists, would, in their judgment, operate most unjustly towards them.

In order to illustrate the consistency, as well as the real spirit of the proceedings of the Dissenters, he must allude to one important member of that body, Mr. Hatfield of Manchester—a gentleman who was remarkable as one of the promoters of an inquiry into the circumstances in which Lady Hewley's charity was placed, and who, by the part he took in the matter, fully recognised the principle of tests. What did Mr. Hatfield say? He thought that there ought to be tests. The trusts of Lady Hewley's charity were not strictly complied with, inasmuch as she was known to have certain religious opinions, which religious opinions he thought ought to have guided the trustees of that charity. But how could those religious opinions have been ascertained without some tests? Notwithstanding, however, that this gentleman entertained such an opinion, still, when speaking of the degradation as he described it, of the grievance which the Dissenters laboured under in having the Universities closed against them, he, as one of the most considerable members of the Dissenters, claimed for them a full share of all the honours and emoluments of the Universities, without subjecting them to any tests. Such was the gross inconsistency of these men. But these pretensions, on the part of the Dissenters were not new in the history of this country. There was a very remarkable precedent for them two centuries ago. In the year 1647, a Parliamentary Ordinance (No. 74 in Scobell) was passed, by which visitors were appointed for the better regulation of the University of Oxford. They were especially empowered and authorized "to examine into and consider of all such oaths, rules, and regulations, as were enjoined by such University, and of the respective Colleges and Halls of the said University, and to present their opinions concerning the same to the Lords and Commons, in order that such only should be required as might be agreeable to the intended reformation of the University." That was precisely what the Dissenters now sought. To such a reformation had they again turned their attention. The

Dissenters, however, had spoken out; they had expressed themselves too plainly to be misunderstood; and when he heard the advocates of the Dissenters in that House, or elsewhere, say, that the great body of Dissenters did not join in any such demands, and were sorry that they were made; he asked, what was the proof of their sorrow? If their sorrow were sincere, why had they not put a stop to such demands? Why had they not protested against them? He would say openly, then, that dupes their Lordships could not be, though they might make themselves accomplices. But it was impossible that their Lordships could ever be placed in either position, for to be duped would augur an absence of common sense, and to be an accomplice would infer a community of interest, end, and aim, which did not and could not exist between their Lordships and persons who assailed, not only the property and privileges of the Universities, but the principle of all property and of all privileges whatever. It was impossible, therefore, that their Lordships could be accomplices; and the only course that remained for them to pursue was to reject this measure, unless, indeed, they desired to become the mere instruments, the despised tools, the poor and truckling ministers of persons who were goaded on to these unreasonable demands by the hatred they entertained for the established religion of the country, and by envy of all that was dignified and illustrious. Would their Lordships, by their vote, betray to the Dissenters those sanctuaries of British honour? Would they be the corrupters—the poisoners—of these wells of religious knowledge and of virtue? No; it was impossible, and he ought to apologize to their Lordships for putting such inquiries. He regretted that he had done so, for he felt satisfied their Lordships could not contemplate joining with parties who had disgraced themselves before the country, by demanding an act of injustice, in destroying the most venerable institutions in the land.

The Earl of *Radnor*, in reply, said, that if the education at the Universities was so good as the right reverend Prelate had represented it to be, that fact alone was an unanswerable argument in favour of the second reading of this Bill. The rev. Prelate had misunderstood or misrepresented him. He had not asserted, that persons signed the articles of faith without understanding them. He had given his reasons for believing that such was the case. He thought, therefore, that it was hardly charitable in the right rev. Prelate to charge him with perjury in having, when a very young man, conformed to the usages prescribed by the heads of the College. He must say, notwithstanding all which the right rev. Prelate had said, that he continued to think it absurd to uphold forms that were not only never observed, but led to falsehood, and said that, upon every principle of justice, the Universities should be thrown open to the Dissenters.

The House divided on the original Motion—Contents (Present 38; Proxies 47) 85; Not-contents (Present 85; Proxies 102) 187: Majority 102.

Bill postponed for six months.

List of the CONTENTS *present.*

Dukes.
Argyll
Cleveland
Leinster
Sussex

Marquesses.
Clanricarde
Conyngham
Lansdown
Queensberry
Tavistock
Westminster

Earls.
Albemarle
Cadogan
Charlemont
Gosford
Leitrim
Mulgrave
Radnor
Sefton

Viscounts.
Duncannon
Melbourne
Torrington

Lords.
Auckland
Brougham
Ducie
Elphinstone
Foley
Godolphin
Holland
Howard of Effingham
Howden
Lynedoch
Mostyn
Poltimore
Segrave
Stafford
Stourton

Bishops.
Chichester
Derry

List of the NOT-CONTENTS.

PEERS PRESENT.

Dukes.
Cumberland
Gloucester
Wellington
Beaufort
Rutland

Marquesses.
Bute
Thomond
Cholmondeley
Abercorn
Bristol
Salisbury
Tweeddale
Ailesbury

Earls.
Shaftesbury
Westmorland
Sandwich
Doncaster
Coventry
Poulett
Orkney
Dartmouth
Aylesford
Warwick
Delaware
Carnarvon
Montcashel
Wicklow

Rosslyn
Romney
Wilton
Limerick
Powis
Rosse
Orford
Harewood
Verulam
Beauchamp
Glengall
De Grey
Falmouth
Vane
Abingdon
Belmore
Viscounts.
Strathallen
Gordon
Beresford
Barons.
Colville
Hay
Dynevor
Kenyon
Douglas of Douglas
Calthorpe
Bayning
Northwich
Lilford
Redesdale

Ellenborough
Prudhoe
Ker
Maryborough
Ravensworth
Forrester
Bexley
Penshurst
Farnborough
De Tabley
Wharncliffe
Tenterden
Melros
Cowley
Clanwilliam
Skelmersdale
Wynford
Boston
Bishops.
Canterbury
Cashel
London
Winchester
St. David's
Rochester
Oxford
Glocester
Exeter
Hereford
Meath.

PROXIES.

Dukes.
Leeds
Dorset
Newcastle
Northumberland
Buckingham
Marquesses.
Hertford
Exeter
Camden
Earls.
Pembroke
Stamford
Winchilsea
Cardigan
Plymouth
Jersey
Morton
Home
Ailsa
Leven
Selkirk
Macclesfield
Graham
Guilford
Hardwicke
Norwich
Talbot
Beverley
Liverpool
Malmesbury
Longford
Mayo
Enniskillen

O'Neil
Onslow
Clancarty
Nelson
Manvers
Longdale
Harrowby
Brownlow
St. Germans
Bradford
Eldon
Howe
Viscounts.
Hereford
Arbuthnot
Maynard
Sydney
Melville
Sidmouth
Combermere
Barons.
Clinton
St. John of Blesto
Forbes
Gray
Sinclair
Walsingham
Bagot
Southampton
Granby
Rodney
Montague
Tyrone
Braybrocke

Gage
Stewart of Garlies
Saltersford
Rolle
Carrington
Wodehouse
Farnham
Loftus
Alvanley
St. Helens
Arden
Sheffield
Ardrossan
Manvers
Hopetown
Ross of Hawkhead
Churchill
Colchester
Oriel
Delamere

Downes
Wigan
Lyndhurst
Feversham
Heytesbury
Stuart de Rothsay
Carbery
Bishops.
Durham
Salisbury
Bath and Wells
Lichfield
Lincoln
Chester
St. Asaph
Bangor
Bristol
Cardiff
Landaff.

PAIRED OFF.

For.	Against.
Earl Grey	Earl of Mansfield
Earl of Meath	Marquess of Westmeath
Duke of Sutherland	Earl St. Vincent

Against this decision Lord Holland entered the following protest.

"Because it seems to me unreasonable to confine the academical honours of a national University, or the degrees in arts and sciences (unconnected with divinity), to the members of any particular Church; and it appears yet more unwise and unjust to bar all such access to knowledge (not purely ecclesiastical or theological) as a national University is enabled to afford against those who cannot conscientiously assent to the numerous propositions contained in the Thirty-nine Articles. Excellence in the learned and liberal professions of law and medicine in no degree depends upon religious belief; and Providence not having annexed the avowal of any peculiar tenets in religious matters as the condition of attaining human knowledge, I can discover no motive of prudence or duty which should induce human authority to impose any.

"VASSAL HOLLAND."

HOUSE OF COMMONS,

Friday, August 1, 1834.

MINUTES.] Bills. Read a second time:—Exchequer Bills; Consolidated Fund; Tithes; Stay of Suits; Norfolk Island.—Read a third time:—Land Tax Amendment; Royal Burghs (Scotland); Fever Hospital; Assessed Taxes Composition.

Petitions presented. By the LORD ADVOCATE, from Inverness and Forfar, in favour of the Bankrupts' Scotland Bill.—By Messrs. LANGDALE and BLAMIRE, from the

Spirit Sellers and Licenced Victuallers of Beverley and Carlisle,—against any Increase of their Licenses.—By Sir FREDERICK VINCENT, from St. Alban's, against Drunkenness.—By Sir JOHN REID, Messrs. GOULBURN and PHILPOTTS, from several Places,—for Support to the Church of England.—By Mr. CHARLES GRANT, from the Parochial Schoolmasters of Abernethy and Inverness, for an increased Stipend; from several Places, for altering the System of Church Patronage in Scotland; from Inverness, against Clandestine Emigration.—By Mr. R. WALLACE, from Greenock, against exempting decked Vessels from Lighthouse Dues; and for certain Alterations in the Tonnage of Vessels' Bill.—By Mr. C. RUSSELL, from Reading, for amending the Sale of Beer Act Amendment Bill.—By Captain JONES, from several Places, for Protection to the Protestant Church of Ireland.—By Mr. BARHAM, from Dewsland, for Protection and Relief to the Agricultural Interest.—By Admiral FLEMING, from Crieff, for Vote by Ballot.—By Mr. ABERCROMBIE, from Edinburgh, for Surveyors to superintend Merchant-Ships while building, and while preparing for Sea.—By Mr. AGLIONBY, from Stockport, against the Sale of Beer Act Amendment Bill.

DISMISSAL FROM THE ARMY—CASE OF MR. HOME.] Sir *Francis Vincent* presented a Petition from an individual named Home, late Lieutenant-Colonel in the army, complaining of having been unjustly deprived of his Commission, and praying redress. The hon. Member said, that all he should ask on that occasion was, a copy of the Minutes of the Court of Inquiry which recommended his dismissal, as the military officers who composed that Court were charged by the petitioner with having forged and fabricated the documents on which the decision was come to.

Mr. *Cutlar Fergusson* did not understand that the hon. Member meant to request a copy of the minutes of the court of inquiry at a period when the Secretary at War was not in his place. The papers connected with this case were not at his office, but at the Horse Guards; but he would undertake to say, that whenever the hon. Baronet thought proper to make an application, by a distinct Motion to the House, for the production of the minutes of evidence taken before the court of inquiry, he should be fully prepared to submit such a case to the House as would satisfy them of the impropriety of acceding to the application. He had had only three days' notice of the intention to make this application, and as he had had so very short time to examine the circumstances of the dismissal, he would only observe, that what he had seen was quite sufficient to satisfy his own mind, that the deliberate opinion of his right hon. predecessor, as well as that of the Secretary at War, upholding the justice of the determination to which the court of inquiry had come, was perfectly correct and well founded. He must reprobate in the strongest terms the language of the petition, which heaped upon individuals of the highest character for honour integrity, and humanity, the foulest abuse and the grossest charges that had ever been contained in any petition. It went the length of accusing Lord F. Bentinck, Sir H. Calvert, Major-General Torrens, and the other distinguished officers who composed the court of inquiry, with having forged and fabricated the documents on which he was dismissed. He thought that such an allegation alone against the high character of these distinguished individuals would show that little credit was to be attached to the statements of Mr. Home. If the allegations had been true, why had he not preferred an indictment against them? but, on the contrary, he suffered ten years to elapse before he thought fit to make any application on the subject. He must also deprecate the practice of making that House a court of review for matters of military discipline, and in opposition to the decisions of military tribunals. If any such cases ought to be entertained by the House, it was those where the matters were of a recent date, and where the witnesses were alive to substantiate them; but in this case it was not found convenient to make the gross allegations against the honourable and distinguished persons to whom he had alluded until after some of them were dead. The case had received the particular attention of his late Majesty and the Duke of York, the latter of whom, after a most attentive and deliberate consideration of the case, though disposed to deal tenderly with Colonel Home, declared him a person unfit to remain in the army. The prerogative of the Crown was accordingly exercised, and a court of inquiry was directed. The petitioner had entered into certain mining speculations in partnership with others, and had drawn bills above the amount specified in the deed of copartnership. These Bills were put into circulation, by which there was a chance of defrauding the persons among whom they might circulate, as was proved by the action brought against him by the Court of King's Bench. The court of inquiry very properly decided that such a transaction was incompatible with the honour of the British army, and Colonel Home was, therefore, in his opinion, very properly dismissed. Whenever the hon. Member thought proper to move for a production of the minutes of that court of inquiry, he should be perfectly ready to meet the case.

Colonel *Williams* said, that he had great doubts whether the prerogative of the Crown to direct a dismissal in such a case as the present was justifiable. He thought it was not.

Sir *George Murray* was of opinion the Crown possessed that prerogative, but that it should only be exerted in extreme cases. He (Sir George Murray) was connected with the regiment to which the petitioner formerly belonged, and knew that in the present case a court of inquiry was directed, consisting of the most experienced and humane officers in the army, thereby shewing that there was no disposition to act severely toward the petitioner; and yet these gross allegations were not brought against those most honourable and amiable persons until they were no longer alive to refute them. In his opinion, for the honour of British officers, for the maintenance of its high character, and for the honour of the country it served, the dismissal of this individual, founded upon the verdict of the Court of King's Bench, was perfectly justifiable and was required. He was convinced, that if the petitioner had had justice on his side, there was no quarter from which he was more sure of attentive consideration than from the humanity of his late Royal Highness, then Commander-in-Chief.

Petition laid on the Table.

Affairs of Canada.] Mr. *Robert Wallace* said, he had a Petition to present of a very extraordinary nature, such as he had never expected the honour of presenting. It was from a gentleman of Nova Scotia, and complained of the most extraordinary grievance that he (Mr. Wallace) had ever heard of. He would remark here, that it was now more requisite to look to the interests of our Colonies, since the alteration of the representation by the Reform Bill rendered it impossible for the Colonies to obtain a representative by sending a certain sum of money, and thus purchasing a seat in that House. They were now compelled to get such Members as himself to state their case to the best of their abilities. The petitioner was a gentleman of the name of Maurice Christie, residing at Gaspe, in Lower Canada, who stated, that he had been five times unanimously elected as representative of that district, and as often expelled by the Assembly of Quebec. The reasons for his exclusion were simply these:—Previous to his election this Gentleman had, as Chairman of the Quarter Sessions, been called upon as a matter of duty to send a list of those gentlemen whom he thought fit and proper persons to fill the office of Justice of the Peace, thereby giving him a power, which he was bound to exercise to the best of his knowledge and belief, of sending only the names of those whom he thought well worthy to fill the situation. This gentleman, in the due exercise of his duty, omitted the names of four gentlemen who had formerly stood upon the list. He (Mr. Wallace) submitted to the House, that he was well entitled so to exercise his discretion; and he would ask if the Lords-lieutenant of counties in this country were not bound to exercise a similar discretion? For this act, however, this gentleman was tried before a secret conclave; he was not admitted to hear the evidence against him; he was not allowed counsel; and he (Mr. Wallace), would ask what would be the situation of the hon. member for Colchester, if he had not had the opportunity of an open and fair investigation? But he would also ask, if this conduct were not traceable to another matter? The district was situated at a distance of 400 miles from the capital of the province; it was separated from it by a great extent of forest land impassable in winter, and scarcely to be passed in summer. Its manufactures were of a totally different nature from those in which Quebec took any interest; and he would ask the House, if it were not possible that some feeling towards the individual who had advocated the separation of this district from the province, and its addition to that of New Brunswick, might not have influenced the Members of the Assembly of Quebec to act as they had done? This gentleman had openly advocated a separation, and he (Mr. Wallace) in the same situation would have done the same, and he would promise that next Session he would go more at large into this part of the subject. This district contained a most influential and numerous population, amounting to 14,000, and the representative of this large number of persons had been five times expelled the Assembly of Quebec. What would be said, if that House should act in a similar manner to those Irish Members who advocated a Repeal of the Union, and had not the people of Gaspe the same cause to complain which the people of Ireland in such a situation would have? He was not aware; that any objection was to be made to this petition. The petitioner prayed to be heard at the Bar of that House, in order that that House might decide whether, as a gentleman, a Magistrate, and an honest man, he had done anything to disqualify him from being a Member of the Assembly of Quebec. He claimed from the House on the part of this much-injured individual an opportunity of showing, that he was an honest and injured man; and he (the petitioner) was indifferent whether this opportunity was afforded him at the Bar of that House or before a public tribunal in his own country: it was to him one and the same thing. He hoped it would be enough to repeat, that this gentleman had been five times unanimously elected, and as often expelled—the constituency being thus in his person disfranchised—to induce the Government, as this was an extreme case, to step forward and interfere.

Petition laid on the Table.

Tithes (Ireland.)] On the Question that the Speaker leave the Chair for the House to go into a Committee on the Tithes (Ireland) Bill.

Mr. *O'Connell* begged to call the attention of the House to one very material feature in which the present Bill appeared to be deficient. As it now stood, the Bill only affected the tithe-payers in agricultural districts; but it was very well known, that in the towns there was an impost, called "Ministers' money," which would be left untouched. He did not wish to take up the time of the House this Session by pressing this matter upon their attention, but he hoped that next Session some measure would be adopted for putting the town and country districts on the same footing.

Mr. *Littleton* thanked the hon. and learned Member for calling his attention to the subject, as it undoubtedly was important; but it was also a question of very great difficulty, by reason of the very trifling nature of the payments. With respect to the exaction, he did not believe that for the last three years as much as sixty per cent of this amount had been paid.

The House went into a Committee. On the question that a new clause introduced by Mr. Littleton, authorizing the revision of compositions already existing,

Mr. *Goulburn* was astonished at the course taken by the right hon. Gentleman, a course such as no Minister of the Crown ever before attempted. He called for a revisal, or, in other words, an abrogation, of the solemn compact entered into ten years ago by the Composition Act between the Clergy and the people,—a compact sanctioned by Parliament, and one that gave general satisfaction. That Act was meant to be a final settlement of the difficulties attending the tithe question. By it the parishioners and clergy were empowered to appoint each party a Commissioner; and if these did not agree, an appeal was allowed to a superior tribunal. Now it was sought to annul that composition, and at the demand of one party only; for by the proposed clauses any seven rate-payers who only paid 24*s*. each could, on a complaint made before a Magistrate, which complaint was to be transmitted to the Commissioners of Woods and Forests, demand a new valuation, and so rescind the Composition Act. Nay, even the present incumbent was made subject to the errors committed by his predecessor in any valuation of tithe, and was punished for what was no crime of his. It was unjust to come down on the present rector, who had no means of disproving the accusation of overcharge made against his predecessor. He would like to know, if the present incumbent imagined that the composition entered into by his predecessor was too low, and so unfavourable to his own interest, would he, in the present state of public feeling in Ireland, dare demand an augmentation? If he did demand it, the law expenses he would incur would be ruinous to him. The composition was solemnly and deliberately entered into, and it would be unjust and injurious to violate it.

Lord *Althorp* said, the Composition Act was a temporary expedient, and passed under circumstances that could not last. When the charge was transferred to other parties, it would be most unjust not to allow revision.

Mr. *O'Connell* said, the Bill could not possibly work without those clauses objected to by the hon. member for Cambridge. The Composition Act gave the clergy too much power; for without their consent no composition could be effected; and, in most places, the composition was too high.

Mr. *Lefroy* said, that, so far from the clergy having an advantage, the clergyman was obliged to furnish his books to the Commissioners, and the absolute consent of both parties was necessary for the composition. Besides this, the parishioners, if aggrieved, could appeal to the Lord-lieutenant, and even from him to the Judge of Assize, and even from the Judge to Parliament. In 1822, the composition was said to be a conclusive measure; and he could not see on what principle of justice or honesty a clergyman should be called on now to state the sums received by him from 1814 to 1821—much less how he could be called on to state what sums his predecessor received in that time. He had heard much of the necessity of upholding the sacred nature of vested rights; but could Parliament, after having already despoiled the clergy of one-fifth of their revenues, now, without utterly subverting all title to property and all principles of justice, call on them to submit to the proposed inquiry, which would go to swindle them out of the rest? It was cruel and most unfair to put men, after the late successful resistance to tithes, to the criterion and ordeal of showing the nature of a composition entered into long ago, or of justifying the grounds of that composition. But he did not complain of the Government for the Bill as it at present stood, for the hon. member for Waterford had lately told them that the alterations had been stipulated for by the self-styled Irish Liberal Members; but he did complain of the measure as one of gross injustice, and one which, if adopted, must lead to mischief and confusion. The opening of the compositions already made was replete with injustice and oppression to the elergy, and would deprive the Government of all claim to confidence.

Mr. *O'Reilly* was in favour of the clause as it stood. It was calculated to do justice both to tithe-payers and tithe-receivers.

Mr. *Shaw* asserted, that nothing could be more unjust than the clauses which had been objected to by his hon. and learned friend (Mr. Lefroy). It was perfectly monstrous to give persons the power of opening compositions settled ten years ago. Suppose a landlord had a tenant owing him 500*l*., and, with a view to effect payment, the landlord said ten years ago that he would take 200*l*. or 300*l*. for the debt; would it not be unprecedentedly unjust, after a lapse of ten years, to give the successor of the tenant the power of calling upon the successor of the landlord to fulfil the offer of his predecessor? To what dreadful false swearing and villainy would not such an arrangement lead! So infamous were these clauses upon the face of them that, he solemnly protested, he could not believe that they had been suggested by the Government, but they must have sprung from some persons whose object was to injure, insult, and destroy the Church in Ireland. As a means of corrupting the Irish Bar, this Bill was most objectionable. He did not believe that there was a young barrister, with the slightest claims on the Irish Government, who did not look to become a Commissioner under the Bill.

Mr. *Charles Walker* supported the clause. The hon. Member stated that, in several parishes, the clergy had succeeded in striking an unfair average against the parishioners, by laying before the Commissioners promissory notes taken at a long date for arrears due to them.

Mr. *Henry Grattan* supported the clause, and bore testimony to the truth of the circumstance which the hon. member for Wexford had just stated.

Mr. *Littleton* said, that, as the clauses under consideration had been so well discussed by the members for the Cambridge and Dublin Universities on the one side, and several of the Irish County Members on the other, he thought it unnecessary for him to take up the time of the Committee. The clauses were only introduced to meet a case which he trusted would not arise; if it did not arise, it was needless for him to say the clause would not be had recourse to.

The Clause was agreed to.

Upon reading the Clause appointing barristers Commissioners of Counties,

Mr. O'Dwyer moved, that the blank be filled up with the figure 4, instead of 6, years' standing.

On this Motion the Committee divided:—Ayes 12; Noes 66: Majority 54.

The Clause was agreed to.

The House resumed, and the Report was brought up.

THE BANK OF ENGLAND.] On the Motion of Lord Althorp, the House resolved into a Committee on the Bank of England Acts.

Lord *Althorp* stated, that it was his intention to explain the arrangement which was proposed to be made with the Bank of England for the purpose of paying one-fourth of the amount of the debt due from the public to that Company on or before the 5th of October, according to the terms of the Charter. By the provisions of the Bank Charter, the Bank was entitled to receive this fourth part of the debt, amounting to the sum of 3,671,700*l.* in money; but it appeared to him that it would be much more advisable to make a proposition to the Bank, to receive its equivalent in public stock, than to pay the amount actually in money. If he had determined to pay the sum in money, it would have been necessary for him to go into the market for the purpose of raising the amount by loan. Now, he was quite certain that those gentlemen who knew anything of the state of the money market would agree with him when he said, that the effect of going into the market for the purpose of raising so small a sum as 3,000,000*l.* and odd, would be to throw the market into confusion, and to make the transaction unprofitable to the Government, and altogether disadvantageous to the public. For these reasons, he considered it to be much better to offer to the Bank of England a certain amount of stock in lieu of money. He believed that it was the wish of the Directors of the Bank that the money should be paid to them in the shape of an annuity, which should terminate simultaneously with their Charter,—namely, at the expiration of ten years. The effect of such an arrangement, if it were made, undoubtedly would be a great relief to the public at the end of ten years; but, on the other hand, the immediate pressure which it must produce on the revenue would far exceed that which would be created by paying the amount in the way he proposed. The proposition which he had made to the Bank Directors was, that, in lieu of the money due to them, they should receive an equivalent in the Three-per-cent Reduced Annuities, at the rate of 100*l.* stock for every 90*l.* The Bank, then, instead of a payment in money, would receive 4,080,000*l.* Three-per-Cent Reduced Annuities. The bonus which the Bank would get by this transaction was one and a-half per cent.; and he believed that, if he had gone into the market, he could not have obtained the money on such good terms as he had obtained from the Bank; and, therefore, he thought the bargain was not a bad one. He thought it necessary to state further, that he had selected the Three-per-Cent Reduced Stock in preference to the Three-and-a-half per Cents., because the annuity chargeable to the public on the former was less than that chargeable on the latter. The noble Lord concluded by moving a Resolution to the following effect:—'That it is the opinion of the Committee 'that 4,080,000*l.* Reduced Three per 'Cents should be placed to the credit of 'the Governor and Company of the Bank 'of England, in payment of one-fourth part 'of the debt due from the public to the said 'Company, and that the same be added 'to, and form part of, the Reduced 'Three-per-Cent Annuities; and that 'the interest thereof be paid out of the 'Consolidated Fund.'

Mr. *Goulburn* could not understand the policy of the arrangement which the noble Lord seemed so anxious to carry into effect, of paying off one-fourth of the sum which the public owed to the Bank. He could not understand why the noble Lord should propose to reduce the amount of the security which the Bank offered to the public precisely at the moment when the new arrangements made with the Bank of England tended to increase the amount of their circulating medium, by substituting their Bank paper in the place of private bank paper. That, however, was a matter which had been discussed and settled in the last Session of Parliament. But the present proposition of the noble Lord, instead of having the effect of lightening the burthens of the country, would increase them, and ultimately add largely to them. It would, in fact, create a permanent charge to the country of upwards of 400,000*l.* additional debt, and an annual charge of 12,000*l.* until that debt was paid. He certainly could not approve of the course which had been pursued by the noble Lord with respect to this business. According to the agreement made with the Bank, one-fourth of the debt due by the public was to be paid in money; and, under these circumstances, the step which the Chancellor of the Exchequer would naturally be expected to take, was to go into the market, and, by exciting competition, obtain the money on the most advantageous terms. But, supposing that it was not possible for the noble Lord to get the money on better terms than he had obtained from the Bank, still, he would ask, why did not the noble Lord, having the funds of the Savings-banks at his disposal, allow them to benefit by the transaction in preference to the Bank of England? Believing that the arrangement proposed by the noble Lord would impose an additional burthen on the country, and also objecting to the mode in which the noble Lord intended to carry it into execution, he certainly could not give his assent to the resolution. The Members of that House were anxious to be thought friends to economy; but, in spite of their squabbling about giving 1,000*l.* a-year, more or less, to the Speaker of that House, or debating whether or not 100*l.* should be taken from the allowance made to the Commissioners of Excise, they might be assured, that they would be considered improvident administrators of the public funds if they permitted the Chancellor of the Exchequer, without any necessity, to add hundreds of thousands to the national debt.

Mr. *Warburton* did not see any objection to paying off one-fourth of the debt due to the Bank, for the sum which remained constituted a sufficient security on the part of that body to the public. He did think, however, that the bargain made by the noble Lord was most improvident. He contended, that in consequence of that bargain, the country, instead of having only 100*l.* on which to pay at the rate of three per cent, would have 111*l.* on which it would be obliged to pay at that rate, though there could be no doubt that, if the noble Lord had gone into the money-market and made his bargain there, he would have found capitalists willing enough to lend him the money so that he would only have had to pay interest on 100*l.* instead of 111*l.* But this argument, it should be borne in mind, was founded on the supposition that the money-rate of the three per cents reduced stock was 90*l.*; yet they all knew that by the arrangement made between the Commissioners of Savings' Banks and the Commis ioners for the extinction of the National Debt, the noble Lord was enabled to dispose of that stock at the rate of ninety-one-and-a-half. He thought that the Bank had proved too deep for the noble Lord.

Lord *Althorp* said, that relying on the accuracy of his hon. friend's calculation, he believed his statement, that the effect of the bargain made with the Bank would be to make the country pay three per cent on 111*l.* instead of three per cent on 100*l.*, to be correct. But his hon. friend was certainly mistaken in supposing that he (Lord Althorp) lost on both parts of the transaction; for the reason of his loss on the 111*l.* was, that he had taken the value of the three per cents at 90*l.* His hon. friend, therefore, had no right to calculate a loss on both sides, and it would be recollected by the Committee that he had stated, that he had given a bonus of one-and-a-half per cent to the Bank. The arrangement made with the Bank last year having been alluded to by the right hon. Gentleman opposite, he wished to explain the principle on which it was founded. It could not be denied, that so long as the country owed a larger amount of debt than was necessary to the Bank of England, the Government would be, when the Charter expired, more in the hands of that body than it ought to be. He had, therefore, always thought, that when the funds were high, as they were at present, it would be desirable to take advantage of that circumstance for the purpose of reducing the amount of the debt due to the Bank; and so far from thinking that the security offered by the Bank was in the least diminished by the subtraction of one-fourth of the capital, he should have liked to have paid off a larger amount, had he been able to make a bargain to that effect. In carrying out this arrangement, it would be impossible for the public not to lose to a certain amount in their annual payment; and the question now was, whether the mode he had adopted in paying this sum to the Bank was more disadvantageous to the public than necessary. The right hon. Gentleman had inquired why he had not applied the funds of the Savings' banks to this object. He certainly might have used the Savings' banks funds for that purpose, had he not applied them in a way which he considered more profitable. Having those funds at his disposal, he thought he might propose the reduction of the four per cents on advantageous terms, because he was prepared by the aid of the money belonging to the Savings' banks to pay off the dissentients; and the result proved that his judgment was correct. By the reduction of the four per cents he had saved 50,000*l.* a-year, and by not employing the funds of the savings' banks in paying the quarter of the debt due to the Bank he had lost 12,000*l.* a-year. He could not coincide in the statement made by his hon. friend, that if he (Lord Althorp) had gone into the market he might have obtained better terms. He had made every inquiry in his power on the subject (the nature of the case not permitting him to make much public inquiry), and all that he had heard induced him to think that if he had attempted to raise the money, 89*l.* or 90*l.* for every 100*l.* stock would have been the best terms he should have been able to obtain. But even if he could have succeeded in obtaining 90*l.*, he should not have been disposed to disturb the money-market by going into it for the purpose of raising a loan.

Mr. *Warburton* admitted, that he had overstated the case against the noble Lord; but still he must say, that if the conversion had been made at the rate of 91*l.* 10*s.* instead of 90*l.*, the public would have had to pay only three per cent on 109*l.* whereas by the bargain made by the noble Lord they would have to pay three per cent on 111*l.* He objected to the proposed arrangement, because it would make the public lose in two ways—first, by the payment of a high rate of interest, and secondly, because this payment, not being made on the principle of a terminable annuity, 100*l.* must be paid for every 90*l.*, whenever it should be proposed to redeem the debt.

Lord *Althorp* admitted, that whenever the debt was paid off, 100*l.* must be given for every 90*l.*; but he did not believe that he could have selected any other stock than that which he had chosen for this operation, without incurring at least an equal loss. If he could have converted the fourth of the debt due to the Bank into Terminable Annuities, without placing a heavy burthen on the public, he should have done so in preference to converting it into Perpetual Annuities; but an annuity, terminable, as had been suggested, at the expiration of ten years, would have pressed very heavily on the public, and disarranged the whole finance of the country, as he had always thought that it was not right to overburthen the existing generations for the purpose of relieving future generations: he should have acted contrary to every principle he had hitherto professed, if he had proposed to place such additional charge on the people.

Mr. *Thomas Attwood* did not see any great objection to the plan of the noble Lord, though he was afraid it would give the Bank even greater facilities than it at present possessed to play with the National Funds. He thought there should be a Board of Control, which ought to have a superintending power over the Bank, as the Board of Control so called had over the affairs of India.

Mr. Alderman *Thompson* denied, that there were any grounds for alarm respecting the proceedings of the Bank. In answer to the hon. Gentleman who spoke last, he stated, that the House of Commons was the first Board of Control which could be established for the superintendence of the Bank.

Resolution agreed to; the House resumed.

Sale of Beer.] Lord Althorp moved, that the House should go into a Committee on the Sale of Beer Act Amendment Bill.

Mr. *Warburton* thought, that the Bill did not sufficiently consult the interests of the consumers of beer, or of those people who had invested capital under the old law. He hoped that the noble Lord, having adopted the Bill, would be able to state that he had made some alterations in it.

Lord *Althorp* said, having supported the Bill all along up to the present time, he did not see why it should be supposed he was likely to make any alteration.

Mr. *Thomas Attwood* thought, that the measure never could be carried into execution; and that it would destroy four-fifths of the beer-houses. He had some apprehensions, too, that it might excite disobedience to the law in more than half the parishes of England. He was a foe to drunkenness; but he maintained, that when in that House and other Houses they knew that drunkenness existed, it was too hard to legislate against the humbler classes, and thereby to deprive them of their enjoyments.

Mr. *Mark Philips* said, that in a district with which he was well acquainted, in which the poor-rates were well administered, the diminution of them had been checked by the increase in the number of beer-houses.

Mr. *Potter* remembered when no man could get a licence unless he were of particular political opinions. That had been done away with by the present law.

Colonel *Williams* did not think, that the circumstance of capital having been invested in the beer trade should prevent the House from dealing with the question. The gin-shops of the metropolis had no doubt laid out much capital in their "temples," but it did not, therefore, follow that their abuses should not be rectified.

Major *Beauclerk* believed that the evils of the beer-shops had been greatly exaggerated, and he thought the present measure unnecessary.

Lord *Granville Somerset* supported the Bill, persuaded that it would neither interfere with the capital invested in the trade nor with the innocent recreation of the middle classes of society.

The House went into Committee.

Lord *Althorp* proposed, that at the end of the second clause the following proviso be inserted:—" Provided always, that in any parish, township, or place in which there are not ten inhabitants rated to the relief of the poor to the amount of 6*l.* each, the certificate of the majority of them so rated, not being maltsters, common brewers, or persons licensed to sell spirituous liquors, ale, perry, beer, &c. by retail, should be deemed a sufficient certificate for the purpose of this Act."

Mr. *Warburton* did not think, that the proviso of the noble Lord went far enough. There were many parishes in which there were no more than three or four rated inhabitants at 6*l.*, and many of the evils formerly complained of would be left unalleviated.

Lord *Althorp* said, that notice had been given of a clause to render the certificate unnecessary in towns containing 5,000 inhabitants; and he now proposed that the metropolis, large cities, all towns corporate, and boroughs returning Members to Parliament, should come under that description. In large towns the evils of the beer-houses had not been felt, and, therefore, he thought it would be unnecessary to require a certificate in such cases. But with respect to the rural districts, the case was very different. He had always been opposed to the requiring of a certificate from persons before they could retail beer, provided there was reason to believe that the police restriction under which they were placed was sufficient to preserve the public peace. Notwithstanding, however, the severe penalties which already existed, it was found impossible to carry the law into execution, and he was reluctantly brought to the conclusion, that before a licence was granted, a certificate of previous good character should be required in the rural districts.

Mr. *Aglionby* maintained, that as there were many parishes in which there were very few inhabitants rated at 6*l.* for the relief of the poor, the adjoining parish should be added, in order to facilitate the obtaining of the certificate.

Lord *Althorp* did not think such an extreme case was worthy of being provided for.

Mr. *Warburton* moved as an Amendment, that "wheresoever the parish, township, or place, shall contain a smaller number of inhabitants than twenty, rated at 6*l.* for the relief of the poor, the persons granting the certificate shall be taken from that place and two of the adjoining parishes."

Mr. *Thomas Duncombe* said, he had received a petition from the parish of Ashbourne, containing 900 inhabitants, only twenty of whom were rated at 6*l.*, of which fourteen were disqualified from signing a certificate in consequence of being brewers or maltsters, and as the remaining six were in some way connected with them, it would be impossible to obtain the requisite certificate.

Mr. *Warburton* withdrew his Amendment, and, instead of it, moved, that instead of the words, "a majority" of those rated at 6*l.*, "one-third" should be substituted.

The Committee divided on the Amendment; Ayes 23; Noes 70—Majority, 47.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Baines, E.
Beauclerk, Major
Briggs, R.
Codrington, Sir E.
Duncombe, T.
Ewart, W.
Grattan, H.
Hughes, H.
Hutt, W.
O'Connell, M.
O'Connell, J.
Palmer, F.
Potter, R.
Ruthven, E.
Seale, Colonel
Sheil, R. L.
Vigors, N. A.
Walter, J.
Walker, C.
Wilks, J.

TELLER.

Warburton, H.

Mr. *Walter* said, that as it appeared that the first part of the amendment, of which he had given notice was not likely to meet with general concurrence, he should forbear to press it, and confine himself to the second part, which the

House would see was founded on the very principle on which the Beer Bill was originally proposed, without being liable to those abuses with which that principle was charged since it had been carried into practice. It struck at a long-existing and mischievous monopoly. Those who had breweries contiguous to the houses in which their beer was sold were a class of persons who, though but few, ought to be protected. They might gradually open the way to a better state of things with respect to the beer trade. They were liable to none of the exceptions, whether those exceptions were just or otherwise, which were taken against the mere venders of beer; they had embarked a capital, and must of course feel that attachment to good order and regularity in the management of their concerns which the possession of property generally produced. The hon. Gentleman concluded by moving a proviso to exempt from the operation of the Bill any person or persons heretofore licensed, by whom a brewery had been erected for the purpose of supplying the beer sold under such license.

Lord *Althorp* did not know what might be the effect of the clause which the hon. Gentleman had proposed; but he was quite sure the proviso was altogether unnecessary. Hon. Members seemed to argue that the Bill was intended to prevent the establishment of beer-shops altogether; whereas it only required as a condition that there should be a certificate of good character. Now, he did not think that brewers of a respectable standing could find any difficulty in procuring such a certificate. At all events, not knowing how far it might lead (and it might frustrate the whole provisions of the Bill), he should be under the necessity of opposing the clause.

Mr. *Walter* said, his proposition was suggested by a petition from several small brewers in the neighbourhood of Reading, who had embarked sums of from 400*l.* to 1,000*l.*, and who had forwarded a representation on the subject to the noble Lord. He wished to spare them the annoyance of an annual application to half-a-dozen of their neighbours for a certificate.

Mr. *Hughes Hughes* hoped the noble Lord would not persevere in his objection to the clause proposed by his hon friend, the member for Berkshire. He believed it to have been a main object of the Legislature in passing the Beer Act to encourage the use of home-brewed beer; and the present clause would offer a premium to the keepers of beer-shops attached to their own breweries. He feared the number who vended an article of their own production was small, but, as they certainly formed the most respectable class of the trade, he joined his hon. friend in claiming for them an exemption from the humiliating process of seeking from their neighbours an annual certificate of good conduct. The noble Lord had said, that such persons would have no difficulty in procuring the required certificate, but he begged to state, that many individuals, and particularly the more respectable, had the greatest aversion to sign such documents; and he submitted to the noble Lord, that in cases where there could be no difficulty in obtaining certificates there must be the less in dispensing with their necessity.

Mr. *Wilks* thought it did not go far enough. He wished that a clause had been brought forward exempting all existing establishments from the operation of this Amendment Act.

Lord *Althorp* did not think it followed, because a man was a brewer of beer, that he was necessarily of a good character; but if he were so, he would find no difficulty in complying with the provisions of the Act.

Colonel *Williams* objected to so much encouragement being given to brewers and retailers of beer. If the labouring classes of the community spent all their money in beer, what was to become of the bakers and butchers?

The Committee divided on Mr. Walter's Motion; Ayes 23; Noes 58—Majority 35.

List of the Ayes.

Aglionby, H. A.
Attwood, T.
Beauclerk, Major
Briggs, R.
Brodie, W. B.
Carter, B.
Codrington, Sir E.
Ewart, W.
Grosvenor, Lord R.
Gully, J.
Hughes, H.
Langston, J. H.
Marjoribanks, S.
O'Connell, M.
O'Connell, J.
Palmer, F.
Potter, R.
Ruthven, E.
Sheil, R. L.
Vigors, N. A.
Warburton, H.
Wason, R.
Wedgwood, J.

TELLER.

Walter, J.

On Clause 4, regulating the hours at which public-houses should open and close, Lord *Althorp* said, that his wish was, to afford permission to all beer-houses to remain open as late and commence business as early as any of the public-houses in their neighbourhood; but he found great difficulty in wording a clause so as to accomplish that object, for the licensed victuallers were not limited to any specified hours. Amongst the grounds upon which he thought an assimilation of practice desirable was this, that when persons issued from the beer-houses not quite sober, and were excluded from them, they went to the public-houses and there finished themselves with gin.

Mr. *Warburton* thought, that words might be introduced declaring that beer-houses should open and close at the same hours appointed by the Magistrates for the opening and closing of the public-houses in their neighbourhood.

Mr. *Greene* said, that in many parts of the country there were not any particular hours appointed by the Magistrates, and no restraints were imposed upon houses that were generally speaking orderly and well regulated.

The Clause was agreed to,

Sir Harry Verney having moved a clause requiring the consent of the resident Magistrates and a majority of the parish officers to the grant of a license,

Mr. *Hughes Hughes* said, he was quite certain his hon. and gallant friend was not aware of the inconvenience to the community, or of the entire ruin to vast numbers of individuals, which would be the certain consequence of the adoption of the clause he had proposed, but which he could not believe that he seriously intended to press. He (Mr. Hughes Hughes) had himself presented a petition to the House from two of his constituents, who represented, that they had embarked 10,000*l.* in the trade on the faith of the permanency of the present Beer Act, and that restrictions such as that under consideration, would cause their most serious injury, if not ruin. The case of the petitioners to whom he had referred, was no uncommon one, and he therefore trusted the proposed clause would be withdrawn.

Clause withdrawn.

The House resumed; the Bill to be reported.

Customs' Duties.] The House then went into Committee on the Customs' Duties Bill.

On the 17th Clause, reducing the duty on the export of coals,

Mr. *Warburton* said, that the introduction of this clause would have the effect of expediting the period when coals nearest the surface and nearest the sea would be exhausted; consequently, a greater expense of machinery would be necessary, the consumers and manufacturers at home would pay a higher price for coal, and the Dutch and French manufacturers would get our coals cheaper.

Lord *Althorp* observed, that if the article had been exclusively produced here, or competition abroad did not prevent our charging foreigners with a duty upon our coal, there might be some reason for objecting to the clause. The question then was, whether it was likely to diminish the quantity of coal brought to market for home consumption? He thought not; there were large fields of coal close to the surface, and near the sea, not touched. There was, therefore, not any danger of exhaustion taking place.

Colonel *Torrens* was of opinion, that the removal of the duty would make British coals cheap abroad, and dear to our own manufacturers.

Mr. *Hutt* observed, that coals were not exported to foreign ports for manufacturers, but for domestic purposes. We had no monopoly of coal.

The Clause was agreed to, as were the other Clauses, with the exception of the 20th, 21st, 22nd, and 23rd, relating to inland warehousing, which were withdrawn, on account of the lateness of the Session.

Mr. Poulett Thomson brought up a Clause to exempt slates from Export duty: vessels laden with slate to be deemed in ballast.

The House resumed.

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HOUSE OF COMMONS,

Saturday, August 2, 1834.

Minutes.] Bills. Read a first time:—Post Road Acts Continuance.—Read a second time:—Registration of Voters' (Scotland).

Church Temporalities (Ireland) Bill.] On the Motion of Mr. Littleton, the House went into a Committee of the whole House on the Church Temporalities (Ireland) Bill; several Clauses were agreed to.

Colonel *Perceval* then rose to move the Amendment of which he had given notice, for the purpose of limiting the emoluments of the Solicitor of the Ecclesiastical Commissioners to 1000*l.* as the *maximum.* He could assert, from the very best authority, that the emoluments of the Solicitor would swallow up the revenues of one or two of the suppressed bishoprics. He had already moved for a return of the number of offices held by this Solicitor; and although that return would not take ten minutes to make out, it had not yet been made. He understood, that this gentleman was Solicitor to the Board of Education, to the Charities' Commission, and other public bodies; and he trusted no objection would be made to his Amendment.

The Clause was agreed to, and the House resumed. Bill reported.

AUSTRALIAN COLONIZATION.] On the Motion of Mr. Whitmore, the House resolved itself into a Committee on the Southern Australian Colonization Bill.

On Clause 17 being proposed,

Mr. *Hughes Hughes* said, that although on a former occasion he had stated his opposition to the progress of the Bill to proceed mainly from the circumstance of the period of the Session at which it was introduced, and the time of night at which it was attempted to bring it on, still as his opinion with respect to the principle and details of the Bill had undergone a considerable change, he begged to state, as the ground of such change, that, in consequence of communications he had received on the subject, he had thought it his duty to devote some hours in seeing several of the parties who were most anxious to emigrate, and minutely investigating the particulars of the measure; and he confessed the result to be that he should not see it right to offer further opposition to the progress of the Bill which he understood to have the sanction of the right hon. Secretary to the Colonies, whom he was glad to see in his place.

Mr. *Spring Rice* said, that many of the suggestions thrown out had been met in a very friendly spirit by the promoters of the Bill. The amount of territory to be conceded had been limited, and the amount of money which the Commissioners were permitted to raise on loan had been limited to 100,000*l.* His Majesty's Government had given their sanction to this experiment, because they believed it to be one founded on sound principles, and which was likely to be attended with a successful result.

Mr. *Tower* said, this was a very important measure, and one which required consideration in more points of view than were given to it. He feared very much, that the unlimited opportunity of emigration—an opportunity to be limited only by the discretion of the Commissioners, would be injurious to the interests of English agriculture. Various parishes might take advantage of this measure to purchase tracts of land in Australia, for the purpose of exporting there large masses of able-bodied labourers. It was said, there was a surplus of able-bodied labourers; he did not believe that that was the case. There were not more English labourers than were required for the cultivation of the soil, and the surplus that at times existed arose from the influx of Irish labourers. In Ireland, indeed, there was a surplus of labourers; and if this Bill were desirable it must be for the purpose of carrying off surplus labour from Ireland. If a patient had the pleurisy, the remedy should be applied to the locality of the disease. Nor would he object even to a grant of the public money, for the purpose of facilitating voluntary emigration from Ireland. Independently of which, the Irish labourer was better adapted for the purpose of emigration than the English labourer; he could live on harder fare, and was accustomed to a more primitive state of existence. Confined to Ireland, the Bill would be beneficial; and, from the operation of the recent measure as to tithes, if accompanied by a salutary Poor-law, he anticipated the greatest advantages to that country. But, extended to England, the Bill would create a vacuum in English labour, which could only be supplied from Ireland, much to the prejudice of the English agriculturists. He therefore moved, as an Amendment, that the words "Great Britain or," in line 42, be omitted, thus limiting, in the first instance, the emigration to Irish labourers.

Mr. *Hughes Hughes,* after what had been said by the hon. Member, felt called upon, in his own justification, to state more fully the reasons for his altered view of the Bill. He had fully satisfied himself that, though the measure had been justly termed an experiment, and the right hon. Secretary had, in consequence, very properly limited the extent of the territory to be assigned to the proposed colony as well as the sum to be raised by way of loan for its establishment, and adopted other prudent precautions, he (Mr. Hughes Hughes) could not, with the hon. Member, regard the matter as a pecuniary speculation on the part of the promoters, but verily believed them to be acting *bona fide*, and with the most disinterested and benevolent intentions. They had expressed themselves, both in that House and out of it, as not only willing but anxious to introduce every clause, by whatever party suggested, which had a tendency to prevent or lessen possible evils, or in any way improve the measure. One hundred and fifty families, many of them of great respectability and possessed of considerable capital, were aleady most anxious to embark in the scheme; and, as he had said before, he had conversed with many of them (and one in particular who was possessed of 10,000*l.* and intimately acquainted with commerce and colonization) who were most sanguine as to a successful result. Such were the considerations which induced him to withdraw his opposition to the Bill, under which he fervently hoped his fellow-subjects who embarked in it would realize all their golden dreams.

Mr. *Ruthven* did not oppose the Bill; but thought there should be some limitation, in case the colony should not succeed in a certain time, that the rights granted under this Act should revert to the Crown. He felt, as an Irish Member, much mortification at hearing such repeated expressions of lip-sympathy towards Ireland. It would be much better if hon. Gentlemen would prove their sympathies by their votes.

Mr. *Tower* had no disposition or intention whatever to attack Ireland. On the contrary, if the present measure was calculated to confer any boon, he claimed it on behalf of the people of Ireland, and hoped they would have it.

The Amendment was negatived; and the Clause agreed to.

The House resumed; the Bill to be reported.

HOUSE OF LORDS,

Monday, *August* 4, 1834.

MINUTES.] Bills. Read a second time:—Roads' Act Amendment (Ireland); General Turnpike Act Amendment; Arms' Importation (Ireland).—Read a third time:—Merchant Seamen; Valuation of Counties (Ireland).

Petitions presented. By Viscount BERESFORD, from two Places, for Protection to the Established Church in Ireland.—By the Earl of RADNOR, from Rye, for the Abolition of Corporeal Punishment in the Army and Navy.—By the Earl of CARNARVON, and the Marquess of SALISBURY, from several Places, for Protection to the Church of England, and against the Separation of Church and State.—By the Earl of RADNOR, from Horsley, for Relief to the Dissenters.—By Lord WYNFORD, from Manchester and Rochdale, for Alterations in the Lancaster Court of Common Pleas Bill.

POOR LAWS' AMENDMENT.] The House resolved itself into Committee on the Poor Laws' Amendment Bill, to consider the postponed Clauses.

The Bishop of *London* proposed to expunge the 19th clause (the first of the postponed clauses), substituting for it the following clause:—"And be it further enacted, that every workhouse shall be under the spiritual charge and superintendence of the Rector, Vicar, or other officiating minister or ministers of the parish in which such workhouse shall be locally situate, except where a chaplain may be provided by any local Act of Parliament, or by virtue of this Act or otherwise; and that where any workhouse belongs to any union of parishes, the several Rectors, Vicars, or other officiating ministers of such parishes, may visit such workhouse for the purpose of affording pastoral instruction to their respective parishioners, at all proper and reasonable times; provided nevertheless, that no inmate of any workhouse shall be obliged to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate; nor shall any child in such workhouse be instructed in any religious creed to which the parents, or surviving parent, or the guardian legally appointed, of such child, shall object; provided also that it shall and may be lawful for any licensed minister of the religious persuasion of any inmate of such workhouse, under such regulations as may be established in such workhouse, and in such manner as may not interfere with its general discipline, to visit such workhouse for the purpose of affording religious assistance to such inmate, and also for the purpose of instructing his child or children in the principles of religion."

Lord *Segrave* moved an Amendment to the regulation in workouses allowing paupers to leave the workhouse for the *bona fide* purpose of attending divine worship where they thought fit.

The Marquess of *Salisbury* thought it would be necessary to guard against the abuse of such permission. Undoubtedly it would be right to let all parties attend religious worship according to their persuasion; but such a permission as this might lead to their not attending divine worship at all.

The Duke of *Richmond* said, that such a clause so amended would make all paupers Dissenters for the sake of getting this leave of absence, which they would always employ in going to the beer-shop.

The *Lord Chancellor* thought that the better plan would be, to leave out both the clause which had been expunged, and that which it was proposed to substitute, and leave the matter to the discretion of the masters of the workhouses.

The Bishop of *London* said, the omission of both clauses would be consistent with the original views of the Commissioners, and of course he had no objection to it.

Lord *Stourton* thought the best clause in the Bill was that which secured to the Dissenting interests of the country their most important rights, as it would give to the children of Dissenters, or the orphans of Dissenting parents, the protection of their Ministers.

The proposed Clause withdrawn, and the 19th Clause struck out. The postponed clauses were agreed to.

The *Lord Chancellor* said, that their Lordships had now disposed of the postponed clauses, and the next thing they would have to consider were the additional clauses.

The Earl of *Falmouth* said, that he had an amendment to propose to the bastardy clause.

The Marquess of *Salisbury* said, that it was also the intention of his right rev. friend (the Bishop of Exeter) to bring forward a proposition for altering that clause.

The *Lord Chancellor* said, that what the noble Earl and the right rev. Prelate seemed to want was, that a penalty, a pecuniary penalty, should be imposed upon the father of the child. He (the Lord Chancellor) did not think such a course advisable, and for the reason that a pecuniary penalty[of either twenty pounds, or any other sum, could have no other effect than that of giving the parish officers an interest to force the man to marry the woman. This pecuniary obligation on the part of the father was one of the greatest defects in the present Poor Laws, and, that being his opinion, he could not concur in any such proposi- tion.

The Earl of *Falmouth* said, that what he wished was, that the man should be liable to punishment as well as the woman. If their Lordships objected to a fine, he hoped some other penalty would be inflicted on the man. They should recollect the severity of the punishment which they proposed, certainly indirectly, to impose upon the woman. They told her that she must work her fingers to the bone for the support of her illegitimate offspring, or else submit to incarceration in the workhouse. But God forbid the Legislature should inflict upon the unfortunate female so grievous a penalty, while her hardened seducer was let off scot-free. He was not now speaking of women of notoriously abandoned character, but of young girls of sixteen or seventeen years of age, who had been trepanned from the paths of virtue by the wily seducer. He would be satisfied if the noble and learned Lord would devise a penalty which would meet the case to which he alluded.

The *Lord Chancellor* replied, that if he could do as the noble Earl wished, he would willingly comply with his request; but he feared that he could not, although he was as desirous as any noble Lord to have the vices of the man punished, as well as those of the woman. The difficulty, however, was very great, and he feared that any such attempt would only lead to endless perjury of the worst description. But, to put an end to a discussion so irregular, he should propose the additional clause relating to the establishment of provident institutions.

Lord *Ellenborough* objected to provident institutions, on the ground that the expenses of one year would absorb the revenue of two.

The Duke of *Richmond* did not approve of a prospective outlay of this kind, which would transfer all benefit from the present to the future possessor. The clause was so important, that he thought it would be better to leave it for consideration until next Session, than to include it in this Bill.

The Bishop of *London* was anxious that the clause should be included in the Bill, because it was about the only clause in the Bill that bore a kindly feeling towards the poor on the face of it.

The *Lord Chancellor* was anxious, that the clause should be agreed to, but he was willing to let it stand over till the third reading, and in the meantime he pledged himself to see whether the objections raised could not be obviated.

The Clause was postponed.

The Duke of *Richmond* said, that he wished to throw out a suggestion, namely, that not merely a portion of the pay of the labourer should be attached by the parish in case of his family becoming chargeable, but that also a portion of the pay of the soldier should be appropriated when his family became chargeable. He knew of a case that occurred a few days ago in a parish in Sussex, in which a soldier in the Guards threatened to throw his wife and three children on the parish if three pounds were not advanced to him to take them to Dublin.

The *Lord Chancellor* did not see how the pay of the soldier could be attached, and it might also interfere with the discipline of the army.

The Duke of *Richmond* said, he would persist in his suggestion.

The House resumed.

HOUSE OF COMMONS,

Monday, August 4, 1834.

MINUTES] Bills. Read a second time:—Starch Duties Repeal; Post Roads Act Continuance (Ireland).—Read a third time:—Creditors (Scotland).—Almanack Stamps Repeal; Militia Ballot Suspension; Dean Forest; Norfolk Island.

Petitions presented. By Lord ASHLEY, from Bridport, against the Separation of Church and State; from two Places, for Protection to the Church of Ireland; and for Protection to the Church of England.—By Mr. HUME, from South Shields, against the existing Church Establishment.—By Mr. HALL DARE, from Winnington, against the Claims of the Dissenters.—By Mr. EWART, from the Licensed Victuallers of Liverpool, against the increase of the Duty on Spirit Licenses.—By Mr. MORGAN O'CONNELL, from Meath, against Tithes.—By Sir R. VYVYAN, from Ardwick-le-Street, for Amending the Sale of Beer Act.—By Mr. R. WALLACE, from Greenock, in favour of the Bankrupts' (Scotland) Bill.—By Sir R. VYVYAN, from two Places, against the Separation of Church and State.—By the same, and Mr. SCOTT, from several Places, for Protection to the Church of England.—By Mr. SCOTT, from several other Places, against the Claims of the Dissenters.

THE POST OFFICE. STEAM PACKETS.] Mr. *Robert Wallace* then presented a Petition from the Chamber of Commerce of Greenock, praying for a communication by Steam Packets to and from the Clyde. The hon. Member proceeded to detail the inconvenience and delay occasioned by the present mode of transmitting letters by the Post-office, and stated, that the feeling in favour of a communication by steam was very general throughout that part of Scotland. He understood that offence had been taken by the Secretary of the Post-office at some observations which he had felt it his duty to make in that House. He would take that opportunity of stating, that he should be extremely sorry to say anything that would be offensive to the private feelings of any man; all he asked for was, that the Post-office would sanction the Returns he had moved for, and give him an opportunity of unsaying, or making the most ample reparation in his power. He would repeat, however, that he believed a great many of the statements he had made had more or less of justice in them. He had now to call the attention of the House to a breach of the privileges of that House in his person, the particulars of which he was not apprized of when he last addressed it. In fact, he was only that morning apprized of it by an hon. Member, who had given him permission to mention his name, should it be necessary. That hon. Member had shown him a large bundle of letters, amounting to about thirty, which had been delivered to him this morning free of postage, although all that came to him (Mr. Wallace) over the usual number, were charged. On remonstrating with Sir Francis Freeling, the answer he received was, that he thought the hon. Member should be excused, as many of the letters might have been posted in Dublin on Friday, to suit their arrival in London. He had submitted the case to his Majesty's Postmaster-General; and the reply was, that the law did not allow of the delivery of more than fifteen on any one day. He felt himself bound to bring this statement before the House; and he would again repeat, that in whatever way he had spoken of the persons connected with the office, he must say, that the business of that office was conducted with a degree of secrecy which had tended much to induce the feeling he had entertained upon the subject. In conclusion, he would intreat the hon. member for Northampton, to impress upon his Majesty's Postmaster-General, the absolute necessity of abolishing the regulation by which the postage of letters going to any part of the Continent were directed to be paid here, and allowing them to be paid for on either side of the water. There was no security that the letter would be forwarded after the postage had been paid, and he feared that many persons could be found who would pocket a shilling, and throw a letter in the fire. He trusted the subject would be attended to by the Postmaster-General, as it was one which excited very general discontent throughout the country, there being no assurance or security of any kind, that, after the postage had been paid, the letter would be forwarded, as was the case in France and Germany.

Lord *William Lennox* did not rise to enter generally into the subject of Post-office improvements; he merely wished to correct an error which the hon. member for Greenock had fallen into. That hon. Member, in his suggested alterations, had stated, that in England no security was given when the postage of a letter was paid for its safe delivery, either to go abroad, or for home circulation, but in France and Germany a guarantee was given. Now such was not the case. It was perfectly true that in France and Germany, by paying an additional sum to the postage of the letter by way of insurance, a guarantee of safe delivery was given, but without that insurance no greater security was granted than that in our own country. He thought the English Post-office infinitely better conducted than foreign Post-offices; delays, mistakes, and losses being notoriously greater abroad than at home. When the subject was brought next Session before the House, he would enter more fully into it; on the present occasion he had confined himself to correcting an error the hon. member for Greenock had unintentionally been led into, and he felt that the English public would not wish to incur the additional expense of insuring letters, when by following the present system every security was given to prevent accidents happening.

Mr. *Vernon Smith* said, that with respect to the steam communication urged by the hon. member for Greenock, in many instances communication by land was more speedy. With respect to the alteration in the mail from Glasgow to Greenock, the alteration was advantageous, inasmuch as the letters now passed at the rate of eleven miles an hour, whereas formerly the coach travelled only at the rate of eight miles an hour. He regretted that the hon. Member, after bestowing so many compliments on the Post-office department, should charge them with giving an exclusive privilege to one of the Members of that House. If the charge were true, it must have arisen from accident. He was not one of those that wished to extend the power of franking; the public was desirous that it should be diminished. He did not think that the hon. Member had any just cause of complaint, and he hoped that the hon. Member would not press the Resolutions which stood on the Order-book.

Mr. *Shaw* said, he certainly had received more than fifteen letters on a Monday, and he believed that he was not charged for those above the number of fifteen, in consequence of an application which he had made to the Post-office department. Those letters were posted on Friday and Saturday, and arrived partly on Sunday and partly on Monday. When, therefore, the number of letters for each day did not exceed fifteen, it seemed fair that he should not be charged with them, as he would not be if the letters were delivered on Sunday.

Mr. *Hume* said, that according to the Act of Parliament, Members ought to receive their letters every day in the week. This was the case everywhere out of London; but in London alone, where Members might have an opportunity of attending to them, letters were not received. He had frequently been compelled to pay for his letters on the Monday morning, but always did so under protest, and he considered that he was robbed every time he did so. Every Member ought to receive his letters every day in London, and out of it, and the neglect of the Post-office, in this respect, was a grievance which ought to be attended to.

Mr. *Herries* could bear testimony to the excellent manner in which the Post-office was conducted. At the same time, there seemed to be a want of some regulations respecting the delivery of letters on Sundays and Mondays. The Post-office ought, in his opinion, to consider the number of letters received each day, and if they did not exceed the number of fifteen for each day, to deliver them on Monday free of postage.

Mr. *Wallace* in reply, said, that there ought to be a delivery of letters on Sunday to every man who chose to call for them; and if they were not delivered after this Session, he would make a demand for them. He did not want a delivery in the streets. With respect to the mail-coach from Glasgow to Greenock, that had been given up as a matter of economy, and at the suggestion of the contractors. He was aware that an immense sum was paid upon foreign letters, but he hoped such a system would never be introduced into this country.

The Petition to lie on the Table.

SLAVE EMANCIPATION ACT — COMPENSATION FUND.] Sir *Richard Vyvyan* presented a petition from the Council and Assembly of Barbadoes, complaining that, according to the proposed distribution of the Compensation Fund, they would not receive the full amount of their loss under the Slave Emancipation Act. The hon. Baronet recommended a revision of the Act of last Session, relative to the distribution of the Compensation Fund.

Mr. Secretary *Rice* was ready to acknowledge, that all petitions emanating from the Representative Assemblies of the Colonies, were entitled to the serious attention of the Government and the House, but he regretted to say, that he entirely dissented from the prayer of the present petition. The principle it involved was, that the amount of compensation should be according to the value of the slaves. There was no Member of that House, he was convinced, who would not admit that compensation should bear an equal proportion to the value of the thing taken away, and this was the principle that had been proceeded upon. It was not what a thing cost, but what it would fetch, that should be the standard of compensation. But to show the injustice and bad policy of giving compensation *per capita*, he would only remark, that in one island a slave was worth 120*l.*, while in another his value would be not more than 35*l.* or 40*l.* He was of opinion that nothing could be more impolitic than a re-opening of the question at the present period, and more particularly at so late a period of the session. One part of the petition he viewed with great pain—he alluded to the declaration made of the inadequacy of the amount of compensation, and thought, after the very large and liberal amount granted by the Legislature, they might rather have expected to have seen the subject approached by the Colonial Assemblies with feelings of gratitude than complaint.

Mr. *Patrick Stewart* regretted such a petition should have come from the Colonies at such a most important crisis, at the very time, when, in all probability, the momentous question of the emancipation of the slaves would be put to the test. He concurred in the opinion, that the question could not now be re-opened.

The Petition laid on the Table.

CANADAS.] Mr. *Hume* rose to present a petition from Quebec, in Lower Canada, in support of the resolutions of the Assembly of the province, which set forth ninety-two distinct grounds of complaint, with reference to the government of that colony, and was signed by 18,083 individuals. The hon. Member supported the prayer of the petition, and observed, that as the right hon. Secretary for the Colonies had given the delegates who had been sent over with the petition an assurance that the complaints of the petitioners should receive his most serious attention, he would not trouble the House further, than by assuring them, that so long as the present system of misrule was suffered to continue in the colonies, the inhabitants would continue to desire that the management of their affairs should be intrusted to their own hands.

Mr. Secretary *Rice* said, it must be admitted, that much irritation and excitement had prevailed in certain parts of Lower Canada, and there was no question he had more sincerely at heart than to reconcile contending parties, and to remove any just ground of complaint. It was of the greatest importance that the mother country should entertain a good feeling toward the colonies, and equally important to the latter, to maintain a friendly understanding with Great Britain, and he considered that man the worst enemy to Canada who should promote a separation from the mother country, as the means of obtaining the redress of grievances, whether real or imaginary. Entertaining such opinions, he could not help feeling the deepest regret that the sentiments contained in a letter which had appeared in the public papers, purporting to have been written by the hon. member for Middlesex, should have emanated from any Member of the British Senate. In that letter, he found the following passage:—"A crisis is fast approaching in the affairs of the Canadas, which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony." If an hon. member of the British Parliament took upon himself to address such language to an individual in the station that Mr. M'Kenzie held in the colony, and denounced the Government of Great Britain as a "baneful domination," so far from reconciling the party animosities, and allaying the discontent that might exist against the mother country, he was ministering to the angry passions of the malcontents, and made himself responsible for the consequences that might ensue. He was not prepared to say whether, if such language had been made use of by a subject of the colony, he would not be liable to a prosecution for high treason. He felt it to be his duty to deprecate the language which had been made use of by the hon. Member in the strongest terms; but he did so more in sorrow than in anger, and he should not have alluded to the subject at all, had not the letter appeared in the public papers.

Mr. *Hume* said, it was necessary he should state to the House the nature of the letter, and its origin, as he was quite prepared to defend the sentiments it contained. Although he had been the subject of the vilest abuse of the Press; although all manner of lies had been circulated against him on this subject, and particularly by *The Times* newspaper, garbling the real facts of the case, and not giving one-half of the truth, still he was perfectly prepared to defend every sentence of the letter, it being his custom not to write a letter, public or private, that he was ashamed to avow. The fact was, that a gentleman by the name of Mr. Ryerson, being unable to obtain redress of a grievance arising out of the colonial government, applied to him for his assistance; that he immediately went with Mr. Ryerson to Lord Goderich, and obtained for him a fair hearing of his case and the redress he sought. That individual, however, turned round upon him most ungratefully, and did him all the injury in his power. With regard to that part of the letter to which the right hon. Gentleman alluded, it applied entirely to the measures of Mr. Stanley, and not to the dominion of Great Britain over the colonies. He said, (and he was still of the same opinion), that if the pernicious measures of Mr. Stanley were persevered in, it would be very likely to produce the same effect in the Canadas, as had been produced in the colonies that were now the United States of America, between 1772 and 1782. The liberal government of the colonies, under the direction of Lord Goderich, had insured for that nobleman the gratitude of both Canadas; but no sooner did Mr. Stanley come into office, than he began to undo all that had been so judiciously and beneficially begun by Lord Goderich. When he witnessed glaring instances of misrule, he must call it an arbitrary system that would drive men to desperation, and make them endeavour to take the government into their own hands. Why did he say, "a crisis is fast approaching in the affairs of the Canadas," but because meetings were taking place in every district of each province to reprobate the measures of Mr. Stanley? He did say, that the misrule of so many years was growing too oppressive to be supported, and that "the tyranny of a despicable faction," could not much longer be borne; and had he not reason to say so when the House had been informed, that a gentleman had been five times elected for one of the districts in Canada, by the almost unanimous will of the people, and had been five times rejected by the House of Assembly, through the influence of bribery and corruption. He thought when such circumstances as these came under his knowledge, he gave very wholesome advice to Mr. M'Kenzie, in the letter he had written. He would say to Canada, what he had said to Ireland, "If you cannot obtain the redress of great and acknowledged grievances, then resistance becomes a virtue, though the difficulty is where to draw the line." He was as much interested in the peace and welfare of the Canadas as any man in that House; but he could not sacrifice his principles, and his public character, on any private consideration.

Mr. Secretary *Rice* observed, that a Member of Parliament enjoying his perfect security in Bryanston-square, was not in a fair situation to recommend the inhabitants of a distant colony to adopt measures of resistance of the description to which the hon. Gentleman alluded. Why did he not take the field and expose himself to the consequences, instead of playing the part of the trumpeter in safety at home? Let the hon. Member, if he incited resistance contrary to law, meet the consequences, and he hoped the law would lay hold of him. The right hon. Gentleman read an address, numerously signed, from some of the most respectable inhabitants of Upper Canada, deprecating the sentiments contained in the petition, and expressing the most perfect satisfaction with the British Government.

Mr. *Hume* read a letter from a similar body in one of the provinces, and said the resolution it contained had been come to by a majority of thirteen out of twenty-four, in opposition to the direct object for which the meeting was assembled. The meeting was held to pass a vote of censure on the sentiments of his letter, but an Amendment, adopting the very language, was agreed to by the majority. He declared again, that it was the "baneful domination" of Downing-street, and not the domination of this country, against which he so strongly protested. He was always ready to avow the sentiments he entertained, whatever might be the result. The right. hon. Gentleman had accused him of fearing to encounter the danger to which his advice might expose his person, but he had never shrunk, nor ever would shrink, from the performance of his duty. He would ask his right hon. friend who took the lead, at a time of some danger, when his right hon. friend, and his friends stood quietly by? He had taken the same part in the proceedings of May, 1832, and expressed the same opinions at that crisis that he spoke at this. Then his right hon. friend did not complain, because those proceedings were all in his favour, but now it suited his purpose to denounce them.

Petition laid on the Table.

Tithes (Ireland).] On the Motion of Lord Althorp, the Order of the Day for taking into further consideration the Report on the Tithes (Ireland) Bill was read.

On the Question, that the Amendments be read a second time,

Mr. *Sinclair* called the attention of the House to the extent and importance of the alterations introduced into this Bill, since it was first laid on the Table. He did not believe, that in the whole history of parliamentary legislation such sweeping changes had been effected in any great national measure; and it might especially be said, in reference to its passage through the Committee,

> "Amphora cepit
> Institui; currente rotâ, cur urceus exit?"

There were two great principles in view, when this Bill was first brought forward. The first, and certainly a most salutary one, to transfer the burthen of tithes from the peasantry to the landlords, so as to avoid the occurrence of painful collisions between the clergy and the people, and thus promote the tranquillity of Ireland. The second, that, in return for this beneficial arrangement, which ensured the payment of its revenues on a more popular and permanent footing, the Church should make a considerable sacrifice, amounting, he believed, to two-fifths of its revenues. To these concurrent propositions he had given a ready and cordial assent. But what was the case now? The sacrifice was still required from the Church; but the security for the remaining proportions of its income was taken away by the removal of those clauses from the Bill which appropriated the three-fifths to ecclesiastical objects, by providing an investment in land for the benefit of the Church. This was the change of which he chiefly complained. This was what he considered as paving the way for an act of spoliation and injustice. Not that the Bill actually proclaimed the expediency of devoting the Church revenues to national and secular objects; but, by leaving the question open, it tended to facilitate such a result; and the time was probably not far distant when, partly by sapping and mining, and partly by open intimidation, and partly by measures gradually adopted in this clause, the whole property of the Protestant Church would be sacrificed at the shrine of clamour and encroachment.

Mr. *Cutlar Fergusson* denied, that any security was taken from the Protestant Church in Ireland; or that the act was one of spoliation and injustice. His hon. friend had not, he was afraid, read the Bill, for one-fifth, not two-fifths, was taken away and to balance that, tithe-owners would be spared the whole expense of collection.

Mr. *O'Connell* said, he had never witnessed greater ingratitude than had been shown towards Government upon this question by several hon. Members. Much had been said about unfairness towards the Protestant clergy; but how stood the fact? They were now possessed, say of 100*l.* a year, which would only sell for twelve years' purchase, whereas by this Bill they would be possessed of 80*l.* a-year (he spoke, of course, in relative proportions), which would sell for thirty years' purchase. The fact, then, appeared to him that in certain quarters, in Ireland, little attention was paid to the tranquillization of that country; while, on the other hand, every disposition was manifested to set the Government at war with the Irish people. But this system had been too long and too cruelly pursued;

and for God's sake let the efforts of quietness and conciliation be resorted to, if only by way of experiment. That this was the course contemplated by Government he hoped and believed, and he hoped that no attempt would be manifested in any quarter to thwart that disposition.

Mr. *Shaw* said, he was one who felt no jot of gratitude to Government for this measure, nor could the hon. and learned member for Dublin, for the measure was his own. The hon. Gentleman (Mr. Sinclair) was perfectly right when he said, that two-fifths would be taken from the clergy; and the hon. Member (Mr. Cutlar Fergusson) was completely wrong when he asserted, that only one-fifth would be taken. Under the Bill of last Session one-fifth was taken, and that he had consented to in order to get a permanent settlement of the question; but, under the present Bill, two-fifths were sacrificed. Of course the hon. and learned member for Dublin advocated no measure, but to give peace and tranquillity to Ireland; but it was worse than mockery to talk of this Bill giving either peace or tranquillity. They were not arrived at this flagrant, gross injustice, and such was the character of this Bill. The Government had introduced a measure in February, founded upon three great principles; and from every one of those principles they had completely departed. Those principles were redemption of tithe, the restoration practically of the law with respect to tithes, and not permitting 1*s.* of the property to go into the pockets of the landlords. From each and all of those principles they had grossly departed. The Bill had nothing to do with redemption; the law had not been vindicated; and the Bill said to the landlord, "Let me do you an injustice at the present moment, and ultimately I will put double the amount in your pocket from the plunder of the Church." He repeated, that gratitude he felt none; nor did he for the million of last year. No, for that was merely a present sum to induce the Clergy to permit their ultimate spoliation.

Mr. *Littleton* observed, that experience did not induce him to place much reliance on the predictions of the hon. and learned member for the University of Dublin. All he would say, in answer to the hon. and learned member for the University of Dublin was, that, upon mature consideration, his Majesty's Government were persuaded that the present measure was calculated to be highly satisfactory to the greater part of the Irish people. As to the clause which had been introduced the other evening into the Bill, on the motion of the hon. and learned member for Dublin, he (Mr. Littleton) must admit, that it was one of great importance, although it strictly belonged to the details of the measure, as it referred to the question whether or not the period of five years, or any other period, should be compulsory on the landlord. The details of the Bill it was the duty of the Committee to determine. If, however, instead of the overwhelming majority by which the proposition of the hon. and learned member for Dublin had been sanctioned, a much smaller number had asserted that proposition, his Majesty's Government would still have felt themselves bound to consider whether or not they ought to persevere in their original intention. As to the question of redemption, let it be considered what, in the original instance, was its object. That object was, to invest the Church-property in land. But, by the present arrangement, the clergyman's income being derived from the landlord, a similar security would be obtained. When it was declared that the Irish landlords were ready to take upon themselves the charge of paying the tithe to the clergy, surely it would have been egregious folly on the part of his Majesty's Government not to have acquiesced in the proposition. He was by no means dissatisfied with the Bill as it stood; for, in his opinion, it gave to the Protestant clergy of Ireland a security which they never before possessed.

Colonel *Davies* contended, that a more wavering, imbecile course had never been pursued by any Ministry than that which had been adopted by his Majesty's Government with respect to the present measure. As he had already stated, its tendency was to saddle the people of Great Britain and Scotland with a burthen which ought not to be imposed upon them. So far was the present measure from being calculated to restore peace to Ireland, that its evident effect would be, to increase war in that country. What had been the declaration of the hon. and learned member for Tipperary? That the present measure would be quite unsatisfactory in Ireland, and that, in the next Session, there would be a loud clamour for additional sacrifices.

Colonel *Torrens* differed *in toto* from the gallant Member, and from the hon. and learned member for the University of Dublin. To abate the payment of the Irish landlord by forty per cent was to give him too little rather than too much. The measure was founded in equity, and as such he would support it.

Mr. *Hume* was at a loss to know why the Exchequer of England should be called upon to maintain the Church of Ireland. He did not think his Majesty's Government were warranted in their present proposition. Let those who wanted a Church Establishment in Ireland pay for it. If, however, he did not resist the proposition for a temporary recourse to the Consolidated Fund, it must be on the distinct understanding, that the advance from that fund would by-and-by be repaid. He trusted that his Majesty's Government, as vacancies occurred, would not appoint another individual on the establishment of the Church of Ireland; for it was clear that no more were wanted. Four-fifths of the patronage of the Established Church in Ireland was in the hands of the Government and of the Bishops.

Mr. *O'Connell:* Nine-tenths.

Mr. *Hume:* Whatever might be the amount, he trusted that, from the present day, no vacancy would be filled up by his Majesty's Government.

Mr. *Sheil* observed, in explanation, with reference to what had fallen from the hon. and gallant member for Worcester, that all that he had stated with reference to the present Bill was, that it was not perfect, but that more must be done hereafter.

Mr. *Lefroy* was more than ever opposed to the measure. The clergymen of Ireland were not satisfied with the Bill as it stood, and they must be fools or madmen if they were so. Were there no other objections to it? The clause which had been introduced on the motion of the hon. and learned member for Dublin would be a sufficient one. It was clear, that the Church of Ireland was about to be robbed of two-fifths of its property. He begged also to know, what provision there was for the repair of the ecclesiastical edifices in Ireland? Unless some provision were made for that purpose, they would all go to ruin.

Mr. *Littleton* stated, that there were ample funds for all the necessary repairs of ecclesiastical edifices in Ireland.

Mr. *ODwyer* observed, that it was very fashionable in that House to attack the agitators of Ireland; but it ought to be recollected, that there were two classes of those agitators; one, whose object it was to conciliate the people by the removal of their grievances; the other, who endeavoured, by the continuance of those grievances, to perpetuate national distraction.

Mr. *Goulburn* said, that the effect of the clause would be to repeal that part of the Church Temporalities Bill of last Session which provided for the rebuilding of churches, and the decent performance of divine service.

The Amendments read a second time; and the Report agreed to.

SUPPLY—MUNICIPAL CORPORATIONS' COMMISSION.] The House resolved itself into a Committee of Supply. It was proposed that 24,000*l.* should be voted to defray the expense of the Commissions on Municipal Corporations in England and Ireland during the last year.

Mr. *Hume* expressed a hope, that Government would be prepared to follow up the Report of the Commissioners in the course of the next Session. He looked upon the subject to which the labours of the Commission had been directed as one of the most important which could engage the attention of the Legislature, next to that of Parliamentary Reform.

Lord *Althorp* concurred with his hon. friend, the member for Middlesex, in thinking that the subject was, next to the question of Parliamentary Reform, one of the most important which could engage the attention of Parliament; and he could assure the House, that it was the intention of Government to follow up the Report with some practical measures in the next Session.

Vote agreed to.

CRIMINAL PROSECUTIONS (IRELAND).] The next item was a grant of 78,500*l.* for defraying the expense of Criminal Prosecutions in Ireland, and for arrears of expenses.

Mr. *Hume* thought, that this was an enormous sum for such an object. He hoped that some means would be taken to diminish this expenditure. He perceived that it was a constant practice to employ eight or nine counsel in one case. Surely that was an unnecessary expense.

Mr. *Sheil* held in his hand a return of the expenses of an English and an Irish prosecution. The English was the case of "the King *v.* Grant and Bell," conducted by the Attorney General, the expenses of which were 181*l.* 16*s.* 8*d.* The Irish case was that of "The King *v.* Barrett," the expenses of which were 702*l.* 9*s.* 4*d.* Why should such a difference of cost exist in the two cases?

Mr. *Littleton* said, that the expenses in the latter case were caused by the delays occasioned by the traverser himself. Had the trial been allowed to proceed in the first instance, the costs would not have amounted to anything like the sum stated in the Return. He could inform the Committee, with reference to the reduction of the expenses of law proceedings by the Crown in Ireland, that it was intended not to employ more than two counsel in any ordinary case, and not more than three in any case in Crown prosecutions. A reduction would, in other respects, be also made in the costs of such prosecutions.

Mr. *Hume* wished to know, whether there were in the items of law expenses in England any other prosecutions included besides those of prosecutions carried on by the law officers of the Crown? He asked the question, because he had seen a statement in a public paper which mentioned, that a prosecution carried on by certain Magistrates against an individual was with the understanding, that the Law Officers of the Crown would not undertake the prosecution, but that the Magistrates should be borne harmless as to expense, if they carried it on. He thought such a system was an exceedingly bad one. The Government ought fairly to undertake the responsibility of any prosecution which was paid for out of the public money.

Lord *Althorp* had not heard of any such prosecution as that to which the hon. Member had referred having been paid for out of the public money.

Mr. *Hume* said, that perhaps the Secretary to the Treasury could be able to say something about it, as it would fall more immediately under his notice.

Mr. *Francis Baring* said, that he knew nothing of any such payment.

Mr. *Secretary Rice* said, that he had held the office of Secretary to the Treasury for a longer time than his hon. friend, and he knew nothing of any such payment.

Mr. *Hume* said, then he was to take it for granted, that the account to which he had referred was incorrect, though he must say, that it was most extraordinary that none of the members of the Government knew any thing on the subject.

The Motion agreed to.

STEAM COMMUNICATION WITH INDIA.] On the Motion that 20,000*l.* be granted to assist in the experiment of a more rapid communication with India by steam conveyance,

Mr. *Hume* wished to know what course was intended to be adopted by the Government on this subject?

Mr. *Charles Grant* said, that some time ago he had moved for a Committee on the subject of our communications with India; the Committee sat, and paid great attention to the matter, and its Report had been laid on the Table. There were two routes under consideration—the one communicating with Bombay by the Red Sea, the other by the Euphrates and Persian Gulf. The Report enforced the importance of a rapid communication with India, and expressed the opinion of the Committee in reference to both lines. With respect to the route by the Red Sea, they stated, that experiments made for five successive seasons had completely established the practicability of that line of communication during eight months in the year, but during the four months of the south-west monsoons it was not quite so clear that the communication could be effected. The Committee recommended that measures should be taken to establish the communication by the Red Sea, and they proposed that the expense should be divided between India and this country. As to the other route, by the Euphrates and the Persian Gulf, the Committee stated that sufficient experiments had not yet been made, but that there appeared no physical obstacle to the communication during eight months of the year. During the remaining four months when the river was low, it was not certain that the line was practicable. The Committee recommended, however, as the East-India Company had expended between 60,000*l.* and 70,000*l.* on the communication by the Red Sea, that the expense of ascertaining the practicability of the route by the Euphrates should be defrayed by the British Government. The estimated expense of that undertaking was 20,000*l.*, which sum was recommended to be devoted to the experiment. It was clear that if the two lines should turn out to be equally practicable, an arrangement might be made to avail ourselves of the advantages of both. The passage by the Red Sea would not be available during the months of June, July, August, and September, and it was probable that the line of the Euphrates,would not be open in November,December, January, and February. An arrangement might be made by which during the whole year a steam communication could be maintained with India, by availing ourselves alternately of the two routes. The importance of a rapid communication with India was evident—it was of the utmost consequence by these means to bring India nearer to this country, and thereby to remove the obstacles that at present existed to a closer and more advantageous connexion between England and our Indian territories. It was most desirable to do away with the obstacles which now tended to perpetuate prejudices, and which stood in the way of a free and rapid communication of improvements of all kinds. Greater security would result to our Indian empire from the course proposed to be adopted, and in short, it was equally our interest, policy, duty, and glory, to bring India more and more intimately in contact with this country by every means in our power. It was our duty to confer on India every possible advantage, in consequence of its connexion with Great Britain; and he appealed to the House with confidence, and called upon it to lend its assistance to the accomplishment of this important object. It was equally the duty and the interest of England to watch all the modes of access to India, with a view to the political and commercial prosperity and the mutual advantage of both countries. He might add, that the communication by the line of the Euphrates was especially deserving of attention.

Mr. *Buckingham* said, that to facilitate and expedite a mutual knowledge of what was passing in India, and England would be worth ten times the sum now proposed to be devoted to that purpose. The greatest moral, political, and mercantile advantages might be expected to result from a more rapid communication between the two countries, to which, as he could not see any serious impediment, so he did not anticipate the least objection to the vote.

Mr. *Hume* was glad, that he had drawn from the right hon. President of the Board of Control so satisfactory an expression of his sentiments on the subject. He hoped that what the Committee had just heard was only a prelude to those advantages and that assistance which India had a right to expect at our hands. The state of the communication between England and India had long been a reproach to this country, and the interference of the Post Office in charging postage upon letters from India, notwithstanding there was no line of packets between the two countries, did not admit of excuse. With respect to the passage by the Euphrates, he was not himself very sanguine as to its practicability; but, no doubt, it behoved the Government to make the trial, particularly as he understood from the right hon. Gentleman that it was not to stop the progress by the Red Sea, but he hoped the experiments would be conducted in the manner most likely to lead to practical results for the benefit both of India and England.

Mr. *George F. Young* expressed his regret that the right hon. Gentleman did not appear to have turned his attention so much as appeared desirable to the question, as to the practicability of a passage by steam round the Cape of Good Hope. He was glad that the experiments proposed by the Government were to be made, although he could not say that he entertained very confident hopes of their success; whereas on the other hand, he was convinced that, under the encouragement of the Government, Calcutta might be reached by the Cape of Good Hope in seventy-five days, at all periods of the year. He hoped the right hon. Gentleman would take this point into his consideration.

Vote agreed to; the House resumed.

THE MILITIA.] The Chancellor of the Exchequer moved the third reading of the Militia Bill.

Mr. *Hume* took that opportunity of asking the Secretary at War, whether any reduction was to be made in this branch of the service? He considered the whole Militia force a useless expense.

Mr. *Ellice* said, that according to the suggestion of the Committee which had sat upon the subject, orders had been given for an inspection of the whole Militia Staff of England. That inspection was not yet quite finished, and some time would be required to arrange the reports which would necessarily be very voluminous, so that they could not be laid before Parliament this Session, as would have been done if they had been ready in time. He could, however, state, that a considerable reduction had been made in the estimates this year below those of last year; and it was determined that the greatest possible care should be taken, under the discretion of the Secretary of State, that no useless appointments or promotions should be made, nor any vacancies unnecessarily filled up. There was no doubt that in another Session some proposition would be submitted, either for making the Militia Staff efficient for the public service, or for reducing it altogether. He inclined to the opinion of the Committee, that it would be better to make it an efficient Staff, and that it might thus be rendered very beneficial for the purposes of the public peace; but the whole subject would meet with the careful consideration of the Government.

The Bill read a third time and passed.

SPIRITS' DUTIES.] Lord Althorp moved the second reading of the Spirits' Duties Bill.

Mr. *Goulburn* said, that he was not at all satisfied with the reasons which had been given for the reduction of the duty on spirits in Ireland exclusively. The noble Lord had stated, that the quantity of spirits produced in Ireland was twelve millions of gallons. He did not know by what gauge the noble Lord ascertained this amount, nor did he know why the noble Lord had not informed the House what proportion this bore to the production in the other parts of the United Kingdom, without which they could not form a satisfactory judgment. If the quantity of spirits produced in Scotland was as much above the quantity brought to charge, as it was in Ireland, surely there would be as much reason for reduction in the one place as in the other; and unless the noble Lord gave the data upon which he proceeded, it was impossible for the House to know, whether it was expedient to adopt the great change which the noble Lord proposed. He had a very strong objection to the measure, on the very ground which the noble Lord assigned as the justification of it. The noble Lord said, that illicit distillation or smuggling had not been carried on in Scotland; but that it had in Ireland to a great extent, and therefore he would reduce the duty in Ireland; and he said, that this was the measure of which he had given an intimation at the commencement of the Session, for the benefit of Ireland, and that the hon. and learned member for Dublin would now see that Ireland had not been forgotten. Now, taking these two arguments together, they showed that the country which violated the law was to receive a benefit, and that the people who did not transgress were to incur what the noble Lord must consider comparatively a penalty. The tendency of the measure would be this, that if the reduction of the duty was a benefit to Ireland, the noble Lord would soon have an opportunity of seeing, that there was sufficient ingenuity amongst the people of Scotland to acquire an equal claim upon him by the same means by which the people of Ireland had obtained the benefit. The noble Lord seemed to overlook the fact, that though the reduction of duty might prevent illicit distillation, yet it was calculated to give a great stimulus to smuggling across the Channel. It would also have the mischievous effect of deteriorating the morals of the people of Ireland—an effect rather to be deprecated than thus encouraged.

Lord *Althorp* observed, that the right hon. Gentleman was inconsistent in his argument, for he had, when in office, raised the duty on spirits, which had caused the increase of illicit distillation.

Mr. *Goulburn:* If the noble Lord states a fact, he should state it correctly. I certainly increased the duty on spirits, but I did it in Scotland and Ireland at the same time. In Scotland there has been no increase of illicit distillation, and I have yet to learn upon what authority it is said to have increased in Ireland.

Lord *Althorp* had alluded to Ireland. The right hon. Gentleman said, that the increase of duty would increase the revenue, but it had, in fact, only increased illicit distillation, for the revenue fell off. The right hon. Gentleman wished to know the grounds upon which it was asserted, that illicit distillation had increased in Ireland. He begged to inform him, that there was a Commission of Inquiry at present sitting, and from the results of that inquiry, and the fact that the revenue had fallen off, it was ascertained that illicit distillation had increased, there being no reason to suppose, that the consumption of spirits had decreased. The right hon. Gentleman had said, that, as there had been no increase of illicit distillation in Scotland, the boon thus given to Ireland was nothing less than a reward to those who were breakers of the laws. He would ask the right hon. Gentleman, if he really supposed that the illicit distillers would be rewarded by a reduction of the duty? On the contrary, it would be a severe punishment to them; but it was only intended to prevent an enormous evil. The right hon. Gentleman had made a speech, which it was very easy to make. He would admit at once, that to increase the consumption of spirits in Ireland was a great evil; but still illicit distillation was a far greater evil—indeed, so great was it considered, that, during the debates on the Catholic Question, the opponents of that measure contended, that removing illicit distillation would be more efficacious in removing the evils of Ireland than Catholic Emancipation. This had been strongly urged as an argument by the right hon. member for Tamworth. The prevention of illicit distillation, therefore, would be conferring a benefit on Ireland, without offering the slightest reward to the smuggler. With respect to the argument of the right hon. Gentleman, as to the reduction being likely to lead to an increase of smuggling across the Channel, he would say, that the argument might be very good, if there was no illicit distillation at present going on in Ireland. If they were to apply themselves to the reduction of the duty on spirits in Scotland, they would be compelled also to apply to the drawback on malt, a subject upon the utility of which the Highlands and the Lowlands of Scotland were at variance. He did not expect that this reduction would have the effect of increasing smuggling across the Channel; and if it did, it would be the duty of Government to prevent it, while by taking off the duty they would prevent illicit distillation.

Bill read a second time.

House of Commons' Offices Bill.] On the Motion that this Bill be read a third time,

Mr. Alderman *Thompson* moved, as an Amendment, that it be read a third time this day three months. Considering the additional labour which of late years the Speaker had to undergo, he could not understand why the salary of that officer should be reduced to a lower rate than that at which it stood in 1790. During the last six or seven years the number of hours occupied by the Speaker in the discharge of the duties of his office, had increased fifty or sixty per cent, and, during the last two years, to a still greater extent. With respect to the other officers of the House, he did not think that they were at all overpaid; but if they were, their salaries ought to be reduced at once.

Mr. *Hughes Hughes* said, that, as the Bill, in consequence of the proviso moved by him, did not affect the present Speaker, his objections to it were so far diminished. Still he thought that there were no situations in the country, the duties of which were of so onerous and arduous a description as those of the Clerks at the Table. It should be recollected also, that those Gentlemen were cut off from all connexion with society. They were, in fact, unable to make any appointment of a convivial or social nature. One of the objects of this Bill was said to be to put an end to sinecures, among which the office of Clerk of Engrossments was reckoned. It was true, that the duties of that situation were not heavy, but it had always been considered as a retiring office for one of the Gentlemen who had very arduous duties to perform in that House, and who was not entitled to receive any retiring allowance. He considered the measure to be one of pitiful economy, and unworthy of a reformed House of Commons.

Mr. *Hume* was surprised to hear the hon. Member characterize the Bill as a measure of pitiful economy. The hon. Member was wrong in supposing that the office of Clerk of Engrossments was reserved for the Gentlemen who transacted laborious duty in that House; for Sir E. Stracey, who held that situation and another sinecure office besides, had never performed any duty in that House. With respect to the salary of the Speaker, he did not think that that officer, who was only employed for six months, was entitled to receive a greater salary than the First Lord of the Treasury, or the Chancellor of the Exchequer, who were occupied during the whole year.

Mr. *Goulburn* never heard a proposition which caused him so much surprise as that which had been made for the reduction of the Speaker's salary. So far from the duties of the Speaker having diminished since the year 1790, when the amount of the salary was fixed, they had, in fact been at least doubled; and it was matter of astonishment to him how the faculties of any man could bear the additional labour which had latterly been imposed on the individual filling the office of Speaker. The increase which had taken place in the value of money, in consequence of the return to a metallic currency, was often put forward as a reason for the reduction of the salaries of public functionaries; but that argument had no application in the present case, because, as he had before stated, the salary of the Speaker was fixed in 1790. For forty-four years the country had gone on paying the Speaker the present amount of salary, with the full conviction, that it was not more than a fair equivalent for the labour of his office; and as reference had been made to the office of the Chancellor of the Exchequer, he must say, that he never regarded the duties of that office as at all equal to those which were performed by the Speaker. Before 1790, the office of Speaker was much more valuable than at present, because it used to be the practice of the Crown to join other lucrative situations to it. Thus, Mr. Speaker Onslow was Treasurer of the Navy during the time he occupied the Chair, and Mr. Speaker Cornwall was in the receipt of an income from a sinecure. Indeed, before 1790, the emoluments of the Speaker seldom fell short of 10,000*l.* or 12,000*l.*; and when at that period Mr. Pitt proposed to fix the Speaker's salary at 5,000*l.*, the House felt indignant at the proposition, and raised the amount to 6,000*l.* His objections to the measure were not removed by the introduction of the proviso, enacting that the present Speaker should not be affected by it; for the duties of the situation were not, in his opinion, over-paid; and the effect of that proviso would only be to place the present Speaker in an invidious position.

Mr. *Tooke* did not think the present allowance too much for the first commoner in England: compared to other officers of the realm, it was not more than it ought to be.

Mr. *Ewart* thought the sum now proposed to be given was sufficient to insure an adequate discharge of the duty of the office, and was, at the same time, adequate to maintain its dignity.

Colonel *Williams* said, the House ought to consider the means of the people.

Mr. *Thomas Attwood* thought, if the people of England were not able to pay enough to support the dignity of that officer who maintained the majesty of the people, they must be poor indeed.

Mr. *Shaw* said, the question should be left to the decision of future Parliaments, especially as it had been agreed that the measure was entirely prospective, and could not affect the salary of the present Speaker.

The House divided on the Amendment;—Ayes 22; Noes 37: Majority 15.

Bill read a third time and passed.

HOUSE OF LORDS,

Tuesday, August 5, 1834.

MINUTES.] Bills. Read a second time:—Insolvent Debtors (India); Excise Revenue Management; Trading Associations. Letters Patent.—Read a third time:—Spring Quarter Sessions.

Petitions presented. By the Earl of WICKLOW, from the Debtors in the Borough Gaol of Liverpool, for altering the Law relative to Insolvent Debtors.—By the Duke of CUMBERLAND, the Earl of WICKLOW, and Viscount BERESFORD, from a Number of Places,—for Protection to the Irish Protestant Church, and against the Separation of Church and State.—By the Dukes of GLOUCESTER, DEVONSHIRE, and WELLINGTON, from several Places,—for Protection to the Church of England, and against the Separation of Church and State.

WARWICK BOROUGH.] Evidence was again taken and counsel heard, on the Warwick Borough Bill.

The *Lord Chancellor* said, that he could not avoid making a few observations upon this Bill. He was ready to declare that he was a great enemy to corruption, and a great friend to all those principles which promoted purity of election, but great a friend as he was to those principles, and admitting, as he readily did, that the petitioners had laboured under great difficulties, still he was bound to say, that they had not proved their case. There had been evidence enough, he admitted, to raise a strong suspicion against this borough, but their Lordships could not legislate merely upon suspicion. His Lordship recapitulated the history of the case, and gave a rapid sketch of the evidence adduced. That evidence, he would admit, abundantly proved that some individual electors had acted in a very corrupt manner, but the acts of some individuals not proved to have been very generally adopted by the inhabitants of the borough would not justify their Lordships in either partially or totally disfranchising a whole borough. If their Lordships once admitted the principle that the misconduct of a few could be followed by such a result, they would give away the staff which ought to be kept in their hands alone, and would put it into the hands of any disappointed candidate. For if one candidate had only forty votes, and his antagonist had 1,200 votes, the former might say to himself that it was very true he could not obtain the seat, but that his opponent should never have it, for that he could show that thirty or forty out of the 1,200 men had been guilty of corruption, and so he could prevent the borough from exercising its franchise. If their Lordships were upon the evidence adduced, to proceed against the Borough of Warwick, they would, in his opinion, establish a most dangerous precedent. Under these circumstances, whatever might be his suspicions, he could not legally advise their Lordships to agree to this Bill. His Lordship put the question that this Bill be read a second time this day six months.

The Earl of *Radnor:* Though he had moved the second reading of the Bill, he had no more to do with it than any of their Lordships. He agreed in many of the propositions laid down by his noble friend, but he thought the case was one of much stronger suspicion than his noble friend, and he considered that the petitioners had failed in consequence of the difficulties thrown in their way. He was bound, however, to add, after considering the evidence which had been given, that he could not in conscience say, that it was such as to justify him in calling on their Lordships to pass this Bill.

The Bill to be read a second time in six months.

JUSTICES OF THE PEACE IN BOROUGHS.] The House went into Committee on this Bill.

Mr. Serjeant Merewether appeared at the Bar in order to support the claims of the Vintner's Company, the rights and privileges of which were affected by this Bill. It was one of the privileges of the Company that its free Members were allowed to sell wine within the limits of the city of London, and in a circuit of three miles, without being obliged to ask for a license from the licensing Magistrates. There was a clause in the Bill which went to take away this privilege, and the learned Serjeant appeared on the part of the Company to object to the clause.

The *Lord Chancellor* contended, that there could be nothing more improper than thus to allow to any particular body of men a privilege contrary to the general law of the land. The privilege which their Lordships were now called on to discuss had often been the subject of abuse, and there were instances at this moment which illustrated the evil consequences of the privilege. The object of licensing such houses was, that they should be kept within the bounds of propriety, and should not be a nuisance to the neighbourhood where they existed. To exempt any person from the necessity of taking out a license was to enable him either to abuse the privilege in his own person, or, for corrupt motives, to allow another person to have the benefit of the privilege in order to abuse it.

Lord *Wynford* said, that abuses of this privilege were very rare, and it was not the wish of the Company to preserve the abuses. The Company offered to bind themselves to deprive any person of this privilege who should have been convicted before a Magistrate of any of those offences for which his license would be forfeited. Of course they could not be expected to give into the hands of any other persons a direct power to take away the privileges of any of their members, but they were ready to take away those privileges on the authority of a decision of a Magistrate, which in fact amounted to the same thing, so far as the ends of the public justice were concerned, while it preserved the principle of their charter, for which alone they contended. The rights of property were secured in no instance on a stronger authority than were these privileges of the Company, which came by charter from the Crown, and which could not be thus invaded without endangering the most sacred rights of property. He therefore begged to move, that the clause in question be expunged.

Viscount *Duncannon* said, that the noble and learned Lord was mistaken in supposing that this privilege was never abused. He could mention one instance of a case, the proof of which he then held in his hand. This was the case of the Shades, in the Adelphi, on the subject of which he had received a memorial from the inhabitants in the neighbourhood. The noble Viscount here read a part of the memorial, which stated that the license of the place had been taken away, but that a free vintner of the Vintners' Company had allowed the person owning the House to put his name over the door, and the House had been again opened.

Lord *Ellenborough* proposed, that the two noble and learned Lords should communicate with each other on this subject, with a view to accomplish that which he had no doubt was the object of both—the prevention of abuse, and the proper preservation of chartered privileges.

The *Lord Chancellor* had no objection to that course, for he had not the slightest wish that Parliament should interfere with the privileges of the Company, except so far as was necessary to preserve the due administration of the law.

The Bill went through the Committee with an understanding, that the Clause in question should undergo some modification on the third reading of the Bill.

The House resumed.

Foreign Affairs.] The Marquess of *Londonderry* said, that, when last their Lordships' attention was directed to the state of the foreign policy of the country, the noble Duke who brought forward the subject thought it necessary to apologize for its introduction,—and how much more necessary was it that he should do so at this late period of the Session; and, when he considered the immeasurable distance between him and his noble friend, in the weight and influence which his noble friend brought to every subject he touched, how much more necessary was it that he should apologize when stating his humble opinion upon the state of our foreign affairs, and of the measures which his Majesty's Ministers had taken in that department? However, to that memorable debate he could refer for an authority which, at least with the noble Lords opposite, would justify him in calling the attention of their Lordships to the subject. He found, on looking to the records of what then passed, that the noble Earl then at the head of his Majesty's Government stated, that he held whatever related to the foreign interests of the country second in importance to no question, whether of agriculture, commerce, manufactures, or any other domestic subject. He, therefore, hoped the House would pardon him, if he deemed it his duty to state his views upon a matter of so much importance. In the few observations with which he should introduce the subject to their Lordships, he should take, first, a general view of our foreign affairs,—and afterwards take into consideration the particular Treaties to which this country had recently been made a party. The noble Earl to whom he had alluded, in that farewell address to their Lordships as a Minister of the Crown, —which, he was sure, no one of their Lordships had heard without the deepest sympathy and respect,—had claimed, in reference to the question of foreign policy, great merit to his Government for having preserved the peace of Europe for three years and a half. As that noble Earl was not in his place, he did not wish to say anything discourteous towards him. On the contrary, he was most anxious to avoid anything calculated to affect the feelings of that great man, whose situation at the present moment it was painful indeed to contemplate, writhing as was his noble mind under the political treachery which had broken it down; and of whom it might well be said by the noble Lord opposite, as was said by Mark Antony of Cæsar—

"Ingratitude, more strong than traitor's arms,
Quite vanquish'd him, Then burst his mighty heart."

Feeling thus, he was far from being disposed to indulge in any unkind feeling towards the noble Earl upon this occasion. And he was the more inclined to impose such a restraint upon himself upon that occasion, because his noble friend near him (the Duke of Wellington) did, in the manly and straightforward manner which so distinguished all his conduct, follow the noble Earl upon that occasion with such comments on the course of foreign policy pursued by the late Government, as was demanded by the necessity of the noble Earl's statement. But the speech of the noble Earl was followed by a more unqualified panegyric of their own foreign policy from the noble and learned Lord on the Woolsack, who, after he had claimed credit to the Government for preserving peace, added, 'I will, if any succeeding 'Government shall preserve peace for 'three years and a half longer, give them 'still greater credit for doing so.' Yes, and well he might! When his Majesty's Ministers had, by their partial measures, effected a momentary settlement without laying down any solid basis of peace, and in so doing had entirely upset all that was established in Europe in 1815, well might the noble and learned Lord say, that no

Government which succeeded his would be able to steer such a course as should keep the peace of the world unbroken for any long period to come. Let their Lordships look at what had occurred in those quarters where they said that their own arrangements had been completed. Was it in Belgium that the peace of the world had been so firmly settled? Would any one say, when they looked at the system of protocols and the endless mismanagement of the Belgian question, that the Government were entitled to the credit of statesmanlike views? Let any one only recollect the circumstances of the Belgian insurrection, and how could he doubt that if the Government had only acted with anything like firmness in maintaining the first protocol in less than six weeks the question would have been settled? But their eternal vacillation produced at first only protracted negotiations, and in the end that lamentable siege, and that waste of blood and treasure, which had still left the dispute as far as ever from being settled. He should not dwell upon these points farther. He should do no more than refer their Lordships to the fact, that the French were still in possession of those two magnificent points, Ancona and Algiers. The Government might say they had preserved peace; but upon what terms? Had they called France to account for the occupation of Algiers contrary to her express engagements! He would not travel into the East, because he was not willing, when their Lordships had no information before them, to touch upon subjects of a delicate character; but this he would say, that, as far as they could see into the affairs of Russia, there had been a most blameable want of courtesy towards the Russian government, which was perfectly indefensible. A noble Earl, it was well known, had been appointed upon a special mission to that Court; but with what success they had never learnt. It was certain, however, that in point of courtesy, this Government had entirely failed according to the usual practice observed towards a friendly power. His Imperial Majesty was known to have had reasons for wishing that his Majesty's government would not press upon him one particular nomination as the Minister at his Court. He believed there was no instance in which such a request had ever before been made and not conceded, However, the pertinacity and obstinacy with which that appointment had been pressed had led to the extraordinary circumstance of one of the Powers of the first rank being represented in this country by a *Chargé d'Affaires* only, and he believed that it would continue to be so as long as the present Secretary for Foreign Affairs continued in that office. He should not enter, upon the present occasion, into the relations of the Turkish and the Russian governments, but this he would say, that if we had been justified in taking a separate and distinct line from the other parties to the Treaty of Vienna with regard to Belgium, Russia was perfectly justified in taking her own line with regard to Turkey without at all making that communication of her intentions, which under other circumstances, might be expected from her. We could not, with our present policy, expect the same confidence from the Powers which we had deserted, or look to them for the same co-operation as when we treated them with courtesy and acted in conjunction with them. If we had, unfortunately, by our policy become more alienated from those Powers with which we were formerly on friendly terms—if Austria and Prussia, as well as Russia, were impressed with the belief that Great Britain, instead of being that Conservative, that *bienfaisant* Power as before, which always exercised her influence in maintaining the peace of Europe and the rights of nations as they had been settled by Treaty—if, on the contrary, they now believed her to be inoculated with that virus of revolutionary liberty which they felt to be inimical to their interests and to their safety, it could not be expected that they would keep up that close alliance with her, through which she had exercised so happy an influence upon the peace of the world, but which, unfortunately, from the course his Majesty's Government had now taken it would be impossible for her to exercise again. But if they had forfeited the friendship or the cordiality of the governments of Russia, Austria, and Prussia, what new alliances had they formed to make up for the loss? They had that great and powerful ally Louis Phillippe, who had, undoubtedly, given them his full confidence, and not without reason. Then they had the Donnas Maria and Isabel; Leopold, King of the Belgians, and King Otho. Besides these, they had all the propagandists of Germany and all the liberals of Italy as their firm allies. With respect to a firm alliance between this country and France, it would be far from him not at all times to wish for the closest intimacy and peace with that Power. But he was not prepared to go so far as to consider her before all other nations; neither could he go along with the encomiums which had been passed upon her days of July and their results. Would the noble and learned Lord who had eulogised that revolution deny that the King of France's late ordinances were as strong, and, he would say, more despotic, than any which Charles 10th had ever issued? Would any man say, when making the most cruel observations upon Charles 10th and his ordinances, and upon his Ministers who were now shut up in their dungeons, would any man say, that Louis Philippe stood exonerated from the same crimes? Any man who had studied the political history of France, and the character of her people, must see that France could not be governed but by the strong arm of power. Upon this principle Louis Philippe had, undoubtedly, showed himself more accomplished in the art of governing the French than his predecessors had unfortunately been. He knew that the secret was to keep 60,000 troops in the capital, and govern by his armies as Napoleon did. Would any noble Lord after the experience of the last two years say, that it was possible to govern France upon the *Juste Milieu* system? Must not every Government in France be compelled to choose between the conservative and the destructive principle, and follow out his choice? He thought this had been clearly proved by the French, and we should soon here have to take a leaf out of their book, and adopt one course or the other in earnest. He hoped their Lordships would now see the necessity of coming to an early decision upon this choice and declaring it in the face of Europe, so that the other Powers might know what to expect. With respect to the Treaty which had been recently laid upon the Table, although he was reluctant to make use of harsh expressions in characterising it, yet he must say, that he could not conceive anything so base or atrocious as the conduct which this country had pursued towards Portugal. It must be remembered, that we had been pledged to a most distinct and positive neutrality in the Portuguese quarrel. That House, their Lordships would not forget, had agreed to Address his Majesty to that effect, after the most able and eloquent speech of his noble friend, and his Majesty in reply solemnly declared, that neutrality should be strictly observed. That declaration went forth, and was known to the people of Portugal, and had naturally encouraged the Miguelite party to spend their last resources in keeping up the struggle. Had that pledge been kept? If Great Britain had not interfered to the assistance of the one party, and in opposition to the other, would any man say, that Don Miguel would not now have been governing Portugal? Surely such conduct on the part of a great country like this deserved the description of atrocious, and could be described in no milder language. And the interests of this country had not even been an excuse, or a palliative for her conduct; for while Don Miguel had always, undoubtedly, been well disposed towards the English interests, Don Pedro, immediately upon acquiring the power, had done everything to injure them. He should like to know from his Majesty's Government whether, after all, they regarded the settlement of Portugal to be such as was likely to continue to her the advantages of peace in the Peninsula? The paragraph in the king of France's Speech was very decided upon that subject; but he was at a loss to see the grounds of such an expectation. If their Lordships looked at the different letters from Portugal they would see, from the atrocious murders now committed, that, so far from the present government being popular, there was greater disquietude and commotion in the interior than when the two armies were actually contending in the field. But, besides the assistance actually given to one party, the Ministers had permitted such a violation of the Portuguese territory by the Spaniards, in order, if possible, to seize Don Carlos, as nothing could justify under existing Treaties. He would venture to say, that that act was as gross a breach of neutrality, and as strong a case of violation of Treaties as could be produced in the history of nations. He asked, whether it was the province of the Government of this country to say, whether Don Carlos was the rightful sovereign of Spain or not? He had lately read a pamphlet written by Mr. Walton, whom he believed to be very well-informed upon the subject. From this work the means by which the exclusion of Don Carlos from the Throne had been accomplished would be found to be by no means according to the ancient laws of the Spanish succession, and that it had been brought about by fraud and imposition. If, then, England was to be made a party to that fraud by the Treaty which had been formed, in what endless complications should not we be involved! He should be glad to find that the obligations of the Treaty would be at an end by Don Carlos having been driven out of Portugal. But if that Treaty were to be taken as binding upon this country to be mixed up with the wars of Spain in support of this succession or that succession, the difficulties we should get into with the other Powers of Europe would be endless. The conduct of France with regard to this question ought to be narrowly watched. Looking to history it would be found always to have been the policy of this country to prevent any union or too close alliance between France and Spain. In 1713, Queen Anne came down to Parliament and delivered that splendid Speech in which she recognized the law which Philip 5th established with this very object, with regard to the succession in Spain. The question was, whether Don Carlos could establish his claim and right according to that law; and he called upon his Majesty's Government to say, what right they had to acknowledge this Queen, if it should turn out that the majority of the Spanish people did not believe her to be the rightful heir. They had done this, for the preamble to the Treaty, in his opinion, went to the extent of acknowledging Donna Isabel as the lawful Queen. The Speech of Queen Anne to which he had alluded, contained a passage to which he begged particularly to call their Lordships' attention:—'Nothing, however, has moved me from 'steadily pursuing, in the first place, the 'true interest of my own kingdoms; and 'I have not omitted anything which might 'procure to all our allies what is due to 'them by Treaties, and what is necessary 'for their security. The assuring of the 'Protestant succession, as by law established, in the House of Hanover, to 'these kingdoms, being what I have nearest 'at heart, particular care is taken not 'only to have that acknowledged in the 'strongest terms, but to have an additional 'security by the removal of that person 'out of the dominions of France who has 'pretended to disturb this settlement. 'The apprehension that Spain and the 'West-Indies might be united to France 'was the chief inducement to begin this 'war; and the effectual preventing of 'such an union was the principle I laid 'down at the commencement of this 'Treaty. Former examples, and the late 'negotiations, sufficiently show how difficult it is to find means to accomplish 'this work. I would not content myself 'with such as are speculative, or depend 'upon Treaties only; I insisted on what 'is solid, and to have at hand the power 'of executing what should be agreed. I 'can, therefore, now tell you, that France 'is at last brought to offer that the Duke 'of Anjou shall, for himself and his descendants, renounce for ever all claim to 'the Crown of France; and, that this 'important article may be exposed to no 'hazard, the performance is to accompany 'the promise. At the same time the succession to the Crown of France is to be declared, after the present Dauphin and his 'sons, to be in the Duke of Berry and his 'sons, in the Duke of Orleans and his sons, 'and so on to the rest of the House of 'Bourbon. As to Spain and the Indies, 'the succession to those dominions, after 'the Duke of Anjou and his children, 'is to descend to such Prince as shall be 'agreed upon at the Treaty, for ever 'excluding the rest of the House of Bourbon. For confirming the renunciations 'and settlements before mentioned, it is 'farther offered that they shall be ratified 'in the most strong and solemn manner, 'both in France and Spain; and that 'those kingdoms, as well as all the other 'Powers engaged in the present war, 'shall be guarantee to the same. The 'nature of this proposal is such that it 'executes itself: the interest of Spain is 'to support it, and in France the persons 'to whom that succession is to belong 'will be ready and powerful enough to 'vindicate their own right. France and 'Spain are now more effectually divided 'than ever; and thus, by the blessing of 'God, will a real balance of power be 'fixed in Europe, and remain liable to as 'few accidents as human affairs can be 'exempted from.' That was the Speech which Queen Anne made in 1713, on the occasion to which he referred; and after such a settlement of the succession to the Crown of Spain, he should like to know whether the other Powers of Europe were cognizant of the change that had taken place, and if they concurred with the Government of this country in acknowledging the present Queen of Spain to be the rightful sovereign of that country? His belief was, that the very reverse was the case, and this he thought might be inferred from the Address delivered by the Queen Regent to the Cortes. Her Majesty seemed greatly alarmed at her situation in reference to the other Powers of Europe; and she said that, although her government had been acknowledged by England and France, no such recognition had taken place on the part of any of the other Powers. He therefore submitted that his Majesty's Ministers were bound to give some explanation of the circumstances connected with this Treaty, which, though of such paramount importance in every point of view, had been laid upon their Lordships' Table not only without documents to explain it, but without any official statement whatever to show the object which had led to its formation, and this too after the protestations which had been made on the part of the Government that they intended to remain neutral with respect to the internal affairs of other nations. Under such circumstances he felt that he had a right to call upon the advisers of the Crown to give their Lordships the explanation for which he now sought, notwithstanding the declaration of the noble Viscount the other night, that he would not reply to the questions which were then put to him. He hoped, however, that the noble Viscount would pursue a line of foreign policy different from that which his noble predecessor had adopted. The noble Earl had more than once declared in his place in that House, that the Government of which he was the head, would act strictly in accordance with the principle of non-intervention: but had he done so? No; for, so far from observing neutrality, this Treaty, almost the last act of the noble Earl's official life, had more of the ingredients of intervention in it than was to be found in any other Treaty which had ever come under his observation. He would not trouble their Lordships with any further remarks upon the subject of this Treaty, but he at the same time thought it right to assure their Lordships, that he had ventured upon his present task, not only without solicitation, without consultation with any party, but solely and exclusively from the desire which he entertained of having the matter discussed and deliberated upon with that degree of attention which its high importance seemed to him to require. He must say, that he disapproved of the foreign policy of the present Government as much as he approved of that of his noble friend (Lord Aberdeen) whom he did not then see in his place. But, passing from this part of the case, he would, with their Lordships' indulgence, offer a very few comments upon the boasted economy of the present Government as compared with that of the noble Duke; and for the purpose of this comparison he would select that branch of the foreign expenditure which related to Secret Service for a period of three years. It should be recollected that the present was a time of profound peace, when there could be little or no necessity for foreign Secret Service; and, therefore, that the expenditure of the present Government under this head should, if there were any difference, be less, and not more, than that of the Government of the noble Duke. He had moved for a Return on this subject, and he could not help thinking that the comparison would not only be regarded as curious, but would be looked upon with surprise by the country. In the three years preceding the retirement from office of the noble Duke, namely, 1828, 1829, and 1830, the amount expended by his Government in foreign missions was 8,569*l.*, while in the two succeeding years, viz. 1831 and 1832—no Return for 1833 having been made—of Earl Grey's Administration no less a sum than 22,064*l.* was spent on special foreign missions. Here then was a difference of nearly 14,000*l.* against the present Administration. Moreover it was not a little curious that the foreign Secret Service of the present Government, for a period of three years, had cost the country between 80,000*l.* and 90,000*l.*, notwithstanding the boasts of economy which had been made, and the obloquy which had been thrown on his noble friend, for his alleged lavish expenditure of the public money. These were facts which were incontrovertible, and with which the public should be made acquainted in order to prove to them, that the present was by no means so economical an Administration as they were led to believe. Without, however, occupying their Lordships' attention further, he should conclude by moving, "That an humble Address be presented to his Majesty, praying that he would be graciously pleased to give directions, that there be laid before their Lordships' House Copies or Extracts of all such Communications or Information as had led to the negotiations for, and conclusion of the Treaty between his Majesty and the Queen Regent of Spain, the King of the French, and the Duke of Braganza, the Regent of Portugal, signed at London on the 22nd of April, 1834."

Viscount *Melbourne* gave the noble Marquess full credit for his assertion, that he brought this Motion forward not only without solicitation, but without concert or understanding with any other Member of their Lordships' House. Indeed, there could be no doubt that the fact was so, because the noble Marquess had on a former occasion intimated to their Lordships the course which he meant to pursue, having declared, that if no one else should bring the subject forward he would. The noble Marquess had taken the opportunity of paying a high and deserved compliment to the noble Duke (Duke of Wellington); but it did not strike the noble Marquess, that when the noble Duke, who had at least an equal attachment to the honour and interests of the empire, who had a better knowledge of the subject, and greater weight in the House, did not feel it necessary to bring forward such a Motion, did it not, he repeated, strike the noble Marquess that his Motion might, by possibility, especially under present circumstances, be neither wise, timely, nor discreet. The noble Marquess had divided his speech into several parts. He had made a long rambling statement as to the general affairs of Europe, and had concluded with the quadrupartite treaty. But really the speech was so desultory, the various subjects were treated in so superficial a manner, *tam leviter, tam negligenter*, that he appealed to their Lordships whether it was fair or decent to enter, on such a challenge, into a detailed exposition of our relations with the various countries enumerated. The noble Marquess had asked, whether Belgium was settled? Why France kept Algiers? Whether there was any probability that a Minister would be appointed by the Court of Russia?—all which he thought the noble Marquess could answer, and knew he could answer, just as well as himself. The noble Marquess had just as much knowledge on these points as he possessed, and, therefore, he would ask their Lordships, whether it were right to indulge in such a general discussion as had been begun by the noble Marquess. The noble Marquess had talked of the alliance between this country and France, and that too in stronger terms than he would have used. The noble Marquess said, that it was in every way desirable, that the closest intimacy should be formed between the two countries, but, at the same time, thought that no undue preference should be shown to France over other nations, and in these sentiments he entirely agreed. That was, in fact, his opinion, although he must confess he would not have expressed himself with as much warmth as the noble Marquess had evinced; but it was quite evident, that the Government of France had recently, from some cause or other, gained especial favour in the noble Marquess's eyes, or he never would have eulogised it. The noble Marquess seemed to complain, that the state of Portugal was unsettled. From his own letters he had learned (the noble Marquess said) that the interior of that country was more disturbed now—was the scene of more atrocious murders at the present moment—than while civil war actually prevailed. If such a state of things existed, was it to be much wondered at? He trusted, however, that even if the statement of the noble Marquess were correct, the affairs of Portugal would before long settle, and that a stable Government would be established in that country. A nation that had been convulsed and distracted by civil war, as Portugal had been, could not be expected to settle down at once from a state of discord and disquiet to a state of peace, security, and stability. But his Majesty's Ministers were blamed by the noble Marquess for having suffered Portugal to be invaded by a Spanish army. Now, what were the circumstances under which that invasion took place? The claimant of the throne of Spain had taken refuge in Portugal, and around him were collected the band of disaffected persons by whom his pretensions were encouraged. It was clear, that while he occupied such a position, there could be no security for the Spanish government, but still no attempt at invasion was made until after Don Miguel had more than once rejected the respectful applications which were made to him to deliver the Pretender up. If ever, therefore, one country had a right to enter another for its own protection, Spain possessed that right in the instance referred to. An absolute necessity existed for the course pursued by the Spanish government; and, that being the case, was it not the duty of the Government of Great Britain to take care that the intervention took place under the conditions of a Treaty which would limit the parties from doing more than was really necessary for the accomplishment of the object which they had in view? This, in fact, was the main ground upon which this treaty proceeded; but upon it the noble Marquess had not rested a single argument or made a single observation. The noble Marquess had told them, that his Majesty's Ministers were bound to consider, whether Don Carlos was the legitimate sovereign of Spain or not; but, on that point, he could not agree with the noble Marquess. His Majesty's Government had nothing whatever to do with the consideration of any such question; on the contrary, it was their duty to take for granted that which had been decided, not only by the king of Spain, but by the Cortes. The king of Spain and the Cortes had settled the question of succession, and it therefore formed no part of the duty of the British Government to enter upon an inquiry respecting the Salic Law. It was sufficient for them that the right of the Queen was established *de jure*, and that she was recognized as the Sovereign by all the authorities of the Spanish nation. It was upon this principle that the Government of this country had acted, and this was the principle on which they were prepared to justify their conduct. With respect to what the noble Marquess had said relative to queen Anne and the politics of that day, he must say, that he could not, for the life of him, perceive its drift, or how the two circumstances were connected. It was then apprehended, that danger might arise from an union of the Crowns in the same individual; but there was not at present the remotest chance of any such event occurring. He did not know whether he had left any of the observations of the noble Marquess unanswered, but with respect to the comparison which the noble Marquess had drawn of the amount of public money expended in foreign secret service during the two periods he had mentioned, there surely must be some mistake; for if he were rightly informed, that branch of the public expenditure had diminished rather than increased, as compared with former years.

The Marquess of *Londonderry:* The noble Viscount may, if he pleases, look at the statement of the figures to which I referred.

Viscount *Melbourne:* He was assured on good authority that there must be a mistake, though he was not able not having seen the documents to detect it. With respect to the Motion of the noble Marquess it was extremely large; it called for the production of 'copies of all such documents or information as had led to this Treaty.' It would be highly inconvenient to accede to a proposition like this; but, although he meant to resist the Motion, he was satisfied, that if the whole of the facts were disclosed they would only tend to the justification of the Government in the course which they had taken. In a correspondence of the kind, however, there were always matters relating to other Powers which it would not be proper to divulge; and upon this ground alone, if there were no other, he would confidently rest his hope that the House would not entertain a Motion like the present. But the noble Marquess had made out no case; he had shown no reason why the position in which those Powers stood and the circumstances in which they felt themselves placed did not justify such a treaty, and until the noble Marquess had made out some such case it was plain he was not entitled to the production of the correspondence. If the treaty had failed in the accomplishment of its object then the House would have a right to call for the explanation demanded by the noble Marquess; but as it had not failed, as no treaty had ever before been so certainly, entirely, and speedily successful in the attainment of its object as this, he must say not content to the noble Marquess's Motion.

The Duke of *Wellington* said, that if he had no other reason to induce him to refrain from taking part in the present debate, he had a sufficient motive in the conviction which he entertained, that at the present moment a discussion upon foreign affairs was untimely, and, therefore, he thought that the present Motion should not have been brought forward just now. It was a fact, that the public attached at present no importance to the present discussion. They were more anxious about the internal situation of this country—of England—and much as this subject might have interested them some years ago, it had not, he thought, the same attraction at present. He should possibly have avoided addressing their Lordships at all on the present occasion, were it not for the concluding words of the noble Viscount who had just addressed the House. In what he had to say he should leave out of question altogether those topics, however interesting, to which his noble friend had addressed himself in the first instance, and he should confine himself to the treaty on which his noble friend had moved for information, and to those topics immediately connected with it. It always appeared to him, that if ever there was a transaction inconsistent with the policy of Great Britain, it was the present treaty. The object of the policy of Great Britain, from the most ancient times, had been to keep the two Powers of the Peninsula independent of each other, and both independent of France. The object of the present treaty was to make them both dependent on each other, and both dependent upon France. The treaty which lay upon their Lordships' Table, was, of all others he had ever seen, the most opposed to the political system upon which this country had ever acted. Besides, that treaty, in fact, tended to introduce foreign arms into Portugal, and it tended to introduce foreign arms into Spain; and for what purpose? Not for the purpose of interference in the internal government of those countries—not of interference casually, but for the purpose of perpetual interference in the internal affairs of those countries. That treaty was not only opposed to all the policy of this country, but it was also opposed to the declaration of non-interference with the civil affairs of other countries. The noble Viscount had said, over and over again, that we never had any intention of interfering with the internal affairs of Portugal, and the answer of his Majesty to an address of their Lordships on the same subject declared that everything had been done to preserve neutrality. In fact, no principle had been laid down more distinctly than this, that we were not to interfere in the affairs of Portugal, yet, in defiance of this, we had not only interfered, but had got allies to join with us in that interference. According to the noble Viscount's speech the Spaniards had been prohibited from entering Portugal, when Ferdinand wished to render assistance to Don Miguel; and in the same speech he admitted that the invasion of Portugal by the Spaniards was the principal object of the treaty. Yet see what inconsistency there was in such statements. Why, the Spaniards had entered Portugal six months before the treaty was signed, yet they were told that it was in consequence of the treaty that the Spanish troops entered Portugal. He should be glad, however, to know the meaning of the treaty. The preamble contained an extraordinary number of objects in it, and it appeared to be the object of the four Powers to settle the governments of Spain and Portugal, although, as he understood the noble Viscount, the expulsion of Don Carlos from Spain was its only object. But a very remarkable circumstance had occurred, which showed that the treaty had some object in contemplation beyond this, and this was the mode and date of this treaty. By the concluding article of the treaty it was arranged that the ratifications of the respective Powers should be exchanged within one month after the treaty was concluded, and be delivered in London; but on the 4th of June the noble Earl came down to the House and stated, that the ratifications had not been thus exchanged. The regency of Portugal had returned their instrument of ratification without the preamble, and it was necessary on account of this irregularity to have another signed; but, instead of directing this ratification to be exchanged, as the treaty required, at London, His Majesty sent his ratification to Lisbon, whereas they ought to have been exchanged in London. Now, before this could have been done, Don Carlos and Don Miguel had both retired from Portugal; and if ever there was a treaty useless for any purpose, it was this, which had for its object the expulsion of Don Carlos from Portugal, when he had actually left the country. But if by this treaty we were really to interfere in the internal management of the two countries of the Peninsula, all he could say was, that we were entering upon a series of operations of which no two Peers in that House would see the conclusion. He thought that it was not desirable that we should enter into an alliance with France to interfere with the internal management of these two countries, and not only without the concurrence but against the inclination of the other Powers of Europe. He was sorry to say, that England had now lost the position which she formerly occupied in the councils of Europe, the great influential and benevolent position which enabled her not only to preserve peace by her advice, but to preserve harmony and a good understanding between other Powers. He would not enter into the consideration of the Salic law; His Majesty had thought proper to acknowledge Isabella 2nd, the daughter of Ferdinand, in preference to another relation. For the events which placed her on the throne Ministers ought to have been prepared, and by settling the succession of the crown of Portugal, as they might have done, they would have averted the consequences of civil war in both countries.

The Marquess of *Lansdown* said, he would not follow the noble Marquess through all the different topics adverted to in his speech, but would confine himself to the treaty on which the noble Duke had rested his chief argument, and before he went further he must say, that the interpretation given to the treaty by the noble Duke was the very reverse of what its plain and direct meaning implied. He was quite sure that, on a review of the treaty, the House would form the same conclusion; and he would ask the noble Duke what other purposes the treaty could have in view than the settlement of the dispute without interference, or interference only in case of a concurrence of circumstances which could not be avoided? The treaty, in fact, was formed, in order to prevent any evil consequences from interference with the internal affairs of either country. As to the charge that we interfered with the internal management of Portugal, he would only refer the noble Duke to the policy which this country had constantly pursued during the dispute between the two brothers. Application had been made again and again, on the part of Don Pedro, for assistance, and what followed?—Constant refusal and repeated declarations, that while the contest was carried on between Don Pedro and Don Miguel only, it was impossible this country could interfere. The noble Duke said, the treaty was formed for the purpose of invading Portugal, and then adverted to the circumstance of this country refusing to permit Ferdinand to send troops into Spain to assist Don Miguel; but did not the noble Duke see the immense difference between the two circumstances? Nothing, in fact, was done by this country or Spain till the pretender to the throne of that country had entered Portugal, and then it became the duty of England to interfere. Could any man deny, that if Ferdinand had been allowed to interfere in the affairs of Portugal, that the effect of such an interference might have been injurious to the independence of the country? And again he would ask, could it be denied that if Don Carlos, by connecting himself with the usurper of the throne of Portugal, had been successful, the effect of this would have been to overturn the government of Spain? Would any man, therefore, deny, that it was just to eject Don Carlos? Would any man deny that, under the sinister and portentous aspect of the whole circumstances of the case, it was not the duty and policy of this country to interfere? The treaty was intended to apply only on the contingency of Don Carlos quitting Spain for Portugal; but when he left that country the object of it ceased. In fact, the whole plan and object of the treaty had been eminently successful, because it had accomplished its object and nothing more. Another complaint had been made against the alliance with this country and France; but any one on reading the treaty would see that especial care had been taken to arrange the mode of interference in such a way as should be consistent with the policy of England. The noble Duke and those on his side of the House depended much on dates, but others also had dates, and when the noble Duke told them that the treaty was useless, he would only say, in reply, that the treaty was agreed to on the 24th of May, and on the 20th of June Don Miguel surrendered at Santarem and Don Carlos was obliged to take shelter on the shores of this country. He would only allude to one point further. The noble Duke opposite had adverted to a matter already well known to the public—he meant the informality in the mode in which the treaty was finished. No doubt such informality had occurred, but he was authorized in saying, in addition to what had been declared at the time, that the informality in the omission of the preamble was unintentional on the part of the government of Portugal, and that it was not in consequence of any objection on the part of that government to comply with every provision contained in that treaty. But the noble Duke had also blamed the noble Lord at the head of the foreign affairs for having committed his Majesty's Government, by sending to Lisbon that treaty without first obtaining a sufficient security against the chance of what had been termed the *mala fides* of the Portuguese government. His noble friend had, in point of fact, exchanged declarations with the Representatives of all parties in this country, that unless the preamble was agreed to in the form in which it was originally proposed, while assent was given to the other terms only, the whole treaty should have no effect whatever; so that his Majesty's Government had not in the smallest degree committed itself in that transaction. On all these grounds he thought the treaty in question had been most wisely concluded. That it had caused great benefit was apparent from the effects which had immediately followed. When the noble Duke adverted to the present state of Europe, and to the policy pursued by his Majesty's Government, he had represented that this country could not longer occupy that proud situation among European states which had enabled her to maintain the peace of Europe. He must answer, that the peace of Europe had been maintained —that the prophecies to the contrary, which for the last four years had from time to time been made, were falsified—that the prognostication that the march of French troops into Belgium was with a view to their permanency in that country was manifestly erroneous, from the fact that the pacification and the settlement of the disputes between Holland and Belgium would have now been accomplished but for the vacillation, not of England, but of other Powers, whom, despite their vacillation, the authority of England, judiciously displayed, had deterred from presuming to interfere with that course of policy which had been successfully directed to the maintenance of the peace and tranquillity of Europe. It was his firm belief that peace and tranquillity would continue by an adherence to the same course of policy. The noble Earl who had introduced this discussion had adverted, in terms which he knew not whether they were designed for compliment or satire on his Majesty's Government, to the connection existing between this country and France. But whether the noble Earl meant to be complimentary or satirical, he would say, that his Majesty's Government had never interfered with the internal government of France under Charles 10th, because it thought that Government arbitrary; nor would it interfere with the internal government of that country under Louis Philippe, because it conceived it to be more constitutional, or, in the new language of compliment adopted by the noble Earl, more unconstitutional. He would, however, remind the noble Earl, who seemed to see nothing to distinguish the government of Louis Philippe from that of Charles 10th, that under the latter a series of acts were performed in direct violation of the law, and without the sanction of the Representative Chambers of the country, whilst, on the other hand, all the acts of Louis Philippe had been performed under the powers granted to him by law, and had been approved by those chambers which lawfully represent the sense of the people of that country. It was not, however, upon questions of the internal government of France that he built the policy of a strict alliance and intercourse between the two countries. He did believe that, while that alliance and intercourse continued on the happy foundation upon which it had hitherto stood, (and that there was every disposition on the part of France for its continuance was apparent from the recent speech of the king of France,) the peace of Europe, which it was the common object of both to preserve, would be more effectually and certainly maintained than by any other course that could be followed.

The Marquess of *Londonderry*, in reply, repeated, that France had domineered over and subjugated the Councils of this country in the transaction to which he had called the attention of their Lordships. He rejoiced that he had done so, because the discussion had elicited the fact, that the object of the treaty having been accomplished is was now at an end.

Motion negatived without a division.

HOUSE OF COMMONS,

Tuesday, August 5, 1834.

MINUTES.] Bills. Read a second time:—Bank of England (Debt).—Read a third time:—South Australian Colonization; Foreign Enlistment; Pensions (Civil Offices) Act Amendment; Exchequer Bills; Church Temporalities Act Amendment (Ireland).

Petitions presented. By Messrs. Harvey and Baines, from two Places,—for Relief to the Dissenters.—By Mr. Harvey, from Thaxted, for transferring the Duties of the Office of Assessor of Taxes to the Assize; from one Place, for the Abolition of Tithes in Ireland.—By the same, and Mr. Baines, from several Places,—for the Separation of Church and State, and against Church Rates.—By Lord Sandon, from the Debtors in the Borough Gaol of Liverpool, for altering the Law relating to Insolvent Debtors.—By Mr. Sinclair, from a Number of Places, against the present System of Church Patronage in Scotland; from a Congregation in Pentonville, for the Better Observance of the Sabbath; from several Individuals, for Protection to the Church of Scotland.—By Mr. Duncombe, from Fishlake, against any Alteration in the Corn Laws.—By Captain Jones, from Londonderry, against the County Bridges' (Ireland) Bill.—By the same, and Mr. Ashley, from several Places, for Protection to the Protestant Church in Ireland.—By Mr. Harvey, from Chichester, for Inquiry into the Pension List.

Common Fields' Enclosure Bill.] Mr. *Childers* moved the Order of the Day, that the House resolve itself into Committee on the Common Fields' Enclosure Bill.

Mr. *Tooke* moved, that the Bill be committed that day three months.

Sir *John Hobhouse* admitted it to be somewhat ungracious to oppose the committal of a Bill *in limine*; but at the same time he could not but think it would have been much better if a measure of so much importance to the people had originated in that House, as it was only reasonable to suppose, that the Representatives of the people were better acquainted with the wishes of their constituents than any member of the other House of Parliament could possibly be. His own constituents at Nottingham were very hostile to the Bill, and had expressed a hope that their town might be exempted from its operation. The noble Lord who introduced the Bill into the other House of Parliament had been misinformed with regard to the sentiments of a majority of the inhabitants of Nottingham. The Bill was very generally objected to there, and he should feel it to be his duty to vote against it.

Mr. *Childers* said, he had no intention to propose the exemption of any one particular town; but a general clause would be introduced, by which the neighbourhood of all large towns would be exempted from the operation of the Bill.

Mr. *Tooke* expressed his determination to persevere in the Amendment he had proposed. He strongly objected to the House being called upon, at so late a period of the Session, to legislate on a subject of such grave importance. He would, however, be willing to lend his assistance in the next Session of Parliament to any well-digested measure on this subject.

Mr. *Blamire* supported the Bill, and trusted no impediment would be thrown in the way of passing it into a law during the present Session: if the Bill was imperfect, it was a reason for going into Committee.

Mr. *Hawes* was desirous to know whether the Clause he had proposed on a former occasion, excluding the neighbourhoods of large towns from the operation of the Bill, would be objected to?

Mr. *Childers* was willing to adopt the first part of it, to prevent the Bill from taking effect within ten miles of the metropolis; but he thought there were many objections to the other part of the Clause, excluding towns with a population of 3,000 from the operation, within three miles of such towns. That was a question for consideration in Committee.

Major *Beauclerk* was glad to see the House entertain a different view of the question to-day from that which formerly induced it to vote against his Amendment. He was induced to withdraw his opposition to it on that occasion, at the suggestion of several Members of the House, on the understanding, that large towns would not be included in the Bill. Finding, however, that such a proposition had been abandoned, he should give the Bill all the opposition in his power.

Mr. *Finch* supported the Bill, contending that it would tend much to the improvement of agriculture and the benefit of the lower classes.

Mr. *Aglionby* was convinced, that nothing contained in the Bill would have the effect of depriving the poor of any of the rights or enjoyments they now possessed. He earnestly hoped the Bill would be suffered to pass during the present Session.

Mr. *Rigby Wason* said, the period at which it was introduced formed alone a fatal objection to the measure.

Mr. *Hodges* opposed the Bill. Among the defects of the measure there was one to which he would call the attention of the House—he alluded to tithes, which were not taken notice of in the Bill. He also reminded the House of the objection taken by the hon. member for Reading on a former occasion to the entire omission of any clause for the drainage of land. These objections formed only a part of the ground on which he opposed the Bill; there were many other very serious difficulties.

Sir *Henry Willoughby* said, the Bill was evidently not understood by the

House. There was not one word in the whole of it that could lead to the possible inference, that any waste or common land could be enclosed. He gave it his cordial support.

The House divided on the original Motion: Ayes 14; Noes 34—Majority 20.

The Bill to be committed in six months.

List of the AYES.

Ashley, Lord
Barnard, George
Blamire, William
Finch, George
Houldsworth, Thos.
Howard, Philip
M'Leod, R.
Poyntz, W. S.
Sandon, Lord
Shepherd, Thomas
Sinclair, George
Steuart, Robert
Talbot, James
Willoughby, Sir H.

TELLERS.

Aglionby, H. A.
Childers, J. W.

List of the NOES.

Baines, Ed.
Brotherton, J.
Buckingham, J. S.
Chichester, J. P. B.
Codrington, Sir Ed.
Colborne, Ridley
Crawford, Wm.
Duncombe, Hon. W.
Ewart, W.
Harvey, D. W.
Hawes, Benjamin
Hobhouse, Rt. Hon. Sir J. C.
Hodges, T.
Hotham, Lord
Irton, S.
Kemp, T.
Marjoribanks, S.
Pelham, Hon. C. A.
Perceval, Col.
Potter, R.
Ruthven, E. S.
Sullivan, R.
Tower, C.
Trowbridge, Sir Thos.
Waddy, C.
Wall, Baring
Walter, John
Warre, J. A.
Wason, Rigby
Whalley, Sir Samuel
Wilks, John
Williams, Colonel
Wood, Ald.
Young, G. F.

TELLERS.

Beauclerk, Major
Tooke, Wm.

COMMITTEE ON DRUNKENNESS.] Mr. *Buckingham* brought up the Report of the Select Committee appointed to inquire into the causes and consequences of the increasing evil of drunkenness.

Mr. *Hawes* wished to put a question to the Chair. He did not find that this Committee had any power to make a Report to the House, but that they were merely authorised to report the minutes of evidence. He apprehended, therefore, that in presenting this Report, they were assuming a power to which they were not entitled.

The *Speaker* begged to assure the hon. Gentleman, that every Select Committee of the House was bound to make Reports. The complaint usually was, that Committees assumed an unwarrantable power in not making their Reports.

The Report to lie on the Table. On the question that it be printed,

Mr. *Hawes* was aware, that he was pursuing that which was an unusual course in opposing the printing of this Report; but it should be recollected, that it was not unanimously agreed to. He should not, on that account merely, have met the present Motion with any opposition, but the Report was certainly one of the most extraordinary which had ever been made. He felt, that the recommendations of this Report were opposed to the interests of his constituents, and were a most flagrant violation of private rights. It was under this conviction, that he felt it to be his duty to bring the Report under the consideration of the House, though he had been strongly urged not to take such a step. The consequence of some of the legislative and prospective remedies suggested in this Report would be, first to ruin the whole trade of the licensed victuallers, in which business no less than 100,000 persons were engaged. All those persons, if they continued to sell spirits, were to be called upon to enter into an engagement to sell nothing but spirits; spirit-shops were to be as open to the public as possible—to be kept as open as those shops in which wholesome food was sold ; but the spirit dealers were not to be allowed to sell more than a quart or a pint. The Report recommended, that no spirits should be allowed to be imported into this country. What, then, he would ask, was to become of our West-India colonies? Again, it was suggested, that no spirits should hereafter be distilled but by chemists, &c., for purposes of medicine. There was a clause which proposed that beer should be brewed of a certain strength, and that the price should be defined—there was to be a reduction of duty on tea and coffee—there was to be a universal branch of education, to teach children the evils arising from spirits; and this was to be made a comfortable volume for the benefit of the public; and it was considered, that this would form a very valuable accompaniment to the Poor-law Report. In large towns the workmen were to be paid on the market days (so that they would in many instances be paid three times a week); no meetings of societies in the shape of benefit or relief societies were to be permitted in public-houses, or in places where intoxicating draughts were allowed. "But," said the hon. Gentleman, "I could quote many more racy passages from this Report." ["*Read! Read!*"] No; he did not want to cast ridicule upon the Report of the Select Committee. The object of those who supported the Committee, he doubted not, was good; and if the document he had referred to could have been considered as embodying a Report which was practical, he should have abstained from all comment upon it; but, considering the ruin which such a plan, if put in force, must inflict on the rights and property of a vast number of persons—the disregard of all financial arrangements which it evinced, and the violation of all private rights, and private property which it contained—he should oppose the printing of the Report, and would divide the House upon that question.

Mr. *Buckingham* said, that however much he might admire the ingenuity of the hon. Gentleman in bringing forward his objections to the Report, he could not equally admire the candour evinced in making the statements. Much as he knew and had heard of misrepresentation, he had never known it more plainly made use of in support of an argument than had been adopted on this occasion. ["*Read! Read!*"] As the hon. member for Lambeth had not followed the invitation of hon. Members to "read," neither would he; but he hoped the House would allow him to mention that the course which the hon. Gentleman had taken proved his speech to be merely a commentary on his own observations. The hon. Gentleman had attended the Committee only three or four times, and then for a short period only; and during that short period his object had been to browbeat and to puzzle the witnesses, to make it out that no legislative remedy could be applied. But the object of the Committee was to inquire into the causes and consequences of drunkenness, and to see whether any, and what legislative measures could be adopted to prevent the increase of this evil. He wished that this Report should not be taken on the showing of the hon. Gentleman, or of himself, but that it should be printed for the perusal of the House generally; for in every division which had taken place in the Select Committee, the hon. Gentleman, the member for Lambeth, stood always alone. He denied that the Committee had recommended the non-importation of spirits; or that no spirits should be distilled but by chemists, &c. The Committee had contemplated these things in the ultimate results; but they had urged nothing of the kind. Now the Committee had before them witnesses of all professions. They had had the testimony of three Police Magistrates of London, the Boroughreeve of Manchester, of three Sub-Sheriffs, of one Physician-General to the army—of three medical men in London—of a Colonel and a Captain of the army—of officers in the navy—of a spirit dealer on Holborn-hill, and of one of the Commissioners of Poor-laws, who had expressly stated, that much of the evils complained of in respect to the Poor-laws was attributable to the unceasing habit of drunkenness amongst the poorer classes. He (Mr. Buckingham) hoped, that the House would not, to meet the freak, humour, or sinister interest of any man, refuse to allow this Report to be printed.

Mr. *Hawes* begged to inquire, whether the hon. Member applied the epithets "sinister interest," to him?

Mr. *Buckingham:* He had certainly applied his language to the hon. Member, perhaps, but he had done so hypothetically.

Mr. *O'Dwyer* said, that as to the evidence of the Sub-Sheriffs to whom the hon. member for Sheffield had alluded, he believed that such a thing as a sober Sub-Sheriff was never heard of. He believed that no man could arrive at that dignity who was particularly sober. The hon. Gentleman begged that part of the Report might be read.

[The Clerk read the Report, which was accompanied by much cheering and laughter].

Mr. *Baines* maintained, that the Report was not to be considered as pourtraying the opinions of those hon. Gentlemen who formed the Committee, because it did not contain their sentiments, but those only of the witnesses who were examined. If, then there were anything preposterous in the Report, it must be attributed to the recommendations or suggestions thrown out by the witnesses, not by the Committee. The manner in which this Report had been received, was not respectful to that Committee, who had bestowed much time on the matter. The Report ought not to be thus treated with contempt. A more ungracious proceeding than that proposed had never yet been adopted. Surely the House of Commons were bound to pay every attention to a question upon which the people had so numerously petitioned. For his part he warmly supported the Motion for printing the Report; and when it was printed, he was sure that nothing discreditable to the Committee would be found in it.

Mr. *O'Connell* said, the hon. member for Leeds (Mr. Baines) recommended very "warmly" the printing of this Report; but he (Mr. O'Connell) hoped that the House would as "coolly" reject such a proposition. The hon. Gentleman said, that this Report did not express the opinions of the Committee but of the witnesses! The witnesses? Did the Committee not understand what they had to do? To be sure they seemed to have been a little muddled—there must have been some mud in the water; and he saw that the hon. Gentleman's appearance was that of a man who drank nothing but water—nothing but solid water!—but ought the House to meet this proposition for printing the Report, when the Committee came before them with so silly, so absurd a suggestion as that of preventing the importation of spirits? And should they sit there and sanction such nonsense? This was the Report embodying the opinions of the witnesses! If such were their opinions, the Committee ought to have said, that at this period of the moon these men ought to be taken care of. When they talked of preventing the importation of spirits, he was astonished that the good sense of his hon. friend had not convinced him, that these people wanted a guard. Distillation was to be confined to the chemists only! But he begged pardon of the House for detaining them with such trash. If they allowed this Report to be printed, they would encourage every drivelling Legislator. Oh, yes! they would have some snail-paced Legislator moving for a Committee to inquire into the best means of preventing flies from destroying butter or honey.

Colonel *Williams* thought the House bound to receive the Report, and have it printed. Whatever ridicule might attach to the course, he would take care to place the following Resolutions on the Journals of the House:—

"Resolved—That the petitions on the part of the people to this House for cheap bread, ought to be met by the suppression of the practice of converting human food into useless and destructive drink.

"That (from a time to be fixed) the distillation of ardent spirits from grain should be at once and entirely prohibited in Great Britain and Ireland.

"That it can be shown that the morals and happiness of an industrious people shall by such a prohibition be promoted, the cultivators of the soil made more prosperous, the comforts of the labourer augmented, and the productive industry of the country encouraged—the public expenditure for workhouses, gaols, barracks, hulks, Court-houses, penal colonies, and lunatic asylums be greatly reduced, and the revenue diverted but not impaired. Then all objections to this prohibition must vanish.

"That the Government which should, after such evidence, authorize the manufacture and traffic of ardent spirit from grain, would lend its authority to the violation of the first principles of political economy, as the capital, materials, and labour, employed in the conversion, become a calculable and total loss in money, and an invaluable loss in the moral character and qualifications for self-government in a nation under the influence of intemperance."

If he could not act upon these Resolutions this year, he was determined to bring it under the consideration of the House early in the next Session.

Mr. *Mark Philips* said, that although his name appeared as one of the Members of that Committee, he had not consented, nor could anything short of the Coercion Bill induce him to concur in that Report. He thought the wisest course on the part of the House would be to receive the evidence without the Report.

Mr. *Philip Howard* had also been a Member of that Committee, but not having been able to give a due attendance upon it, he did not think that he should have been justified in interfering with the drawing up of the Report. He must say, therefore, that he did not consider himself pledged by the Report. At one examination, to which he had alluded, Mr. Fearon, a very intelligent dealer in spirits had proved, that drunkenness had not increased, and that the habits of the lower classes in the metropolis had improved. He was therefore bound to say, not only that he was not pledged by the Report, but that the evidence, as far as he heard it, did not bear out the statement of the Report.

Lord *Sandon* thought the question was, whether there was anything in the Report which ought to induce them to deviate from the recommendation of the Committee as to its being printed. He had been a Member of that Committee; but he had the misfortune, from various circumstances, of being prevented from attending upon it. He found, however, that those parts of the Report which were looked upon as wild and visionary, were not the recommendations of the Committee, but merely contained the opinions of the witnesses examined. It was an easy matter to turn the Report of the Committee, or any Committee into ridicule, but the fact was, that the House could not judge of the merits of that Report until it was printed and laid upon the Table. But the printing was by no means a pledge (God forbid it should), that the House was to adopt it. But he thought that the refusal to print it would be a departure from the general usage, so great that it could not be justified unless under extraordinary circumstances. There might be, and undoubtedly was, much extravagance in certain portions of the evidence, but then there were other parts of the Report which contained much useful information. He implored the House, therefore, not to interfere with the recommendation of the Committee that the Report should be printed.

Mr. *Brotherton* contended, that if the House adopted the recommendation of the Committee they would find that the happiness and best interests of the country would be greatly promoted. The evidence of the witnesses examined before the Committee went to prove the great distress which arose from the too prevalent practice of using ardent spirits, and the consequent pauperism, which it gave rise to. He admired, as every man must do, the great talents of the hon. and learned member for Dublin, but he could not help expressing his regret at finding that hon. and learned Gentleman allowing his talents to be misapplied in ridiculing a measure such as that under consideration. They were bound to be very cautious, but, above all, he thought they ought to take care, before they legislated for the punishment of crime, to remove the strongest incentives for its commission. He was by no means an advocate for coercion upon this or any other measure, but he thought it expedient, that they should, as much as possible, remove from the people that temptation which was, in most cases, found to be too powerful to be resisted. He hoped that, under all the circumstances, the House would allow the Report to be printed.

Lord *John Russell* would refer to a passage in the Report for the consideration of the House. In that passage a hope was expressed that early in the next Session his Majesty's Ministers would introduce some general and compulsory measure with reference to the distillation and use of ardent spirits. Without at all entering into the details of the Report, he had only to observe, that he, for one, could never be a party to any such measure.

Mr. *Sinclair* thought, that the remedy proposed by the Committee was altogether impracticable. He had been appointed upon that Committee, and had at an early period attended its sittings, but finding that it was not likely to be attended with any beneficial result, he thought it better to withdraw altogether from it.

Mr. *Ruthven* said, that some portions of this Report were absurd enough, yet still he thought it would be going too far to say, that it ought not to be printed.

Mr. *Maxwell* was determined to support the Motion for printing the Report, and at the same time begged to express a hope that those who had in this instance shown themselves friendly to the measure would not be deterred from coming forward in support of it early in the next Session.

The House divided: Ayes 63; Noes 31—Majority 32.

Report to be printed.

TITHES (IRELAND).] Mr. *Littleton*, in moving the third reading of the Tithes (Ireland) Bill, begged to occupy the House for one minute, while he adverted to what had fallen, on a late occasion, from the right hon. member for the University of Cambridge, with respect to the efficiency of the Perpetuity Purchase Fund. The right hon. Gentleman here repeated the detailed statement which he had made on former occasions, on the various receipts and expenses of that fund; the general result of which was, that the income was altogether 91,033*l.*, and the expenditure 66,000*l.*; leaving a surplus of above 25,000*l.* to be employed in optional purposes, such as building chapels, augmenting small livings, &c. The right hon. Gentleman concluded, by moving, that the Bill be now read a third time.

Mr. *Lefroy* said, that as the subject had been discussed very fully already, it was not his intention to enter much at length into the merits of the question, but, having voted for the second reading of the Bill, he felt himself called upon to state to the House, as well as to justify himself to his constituents, his reasons for now moving, that the Bill be read a third time that day six months. What he intended to offer to the House should consist of a short summary of what appeared to him to be the distinction between the first Bill—that which had been read a second time—and the Bill which his Majesty's Ministers now proposed to have read a third time; and in comparing the present Bill with the former, he thought it right to call the attention of the House to what was the foundation of the Bill as originally introduced to the House by his Majesty's Ministers. That Bill purported to be founded upon a passage contained in the Speech of his Majesty from the Throne at the opening of the present Session of Parliament. The passage was as follows:—"I recommend," said his Majesty, "to you the early consideration of such a final adjustment of tithes." (That Speech was delivered in February, and now, in August, the House was fulfilling the recommendation of taking the subject into its "early consideration.") "I recommend to you," said his Majesty, "the early consideration of such a final adjustment of the Tithes in Ireland as may extinguish all just causes of complaint, without injury to the rights and property of any class of my subjects." Now the Bill which was brought in in February last, in pursuance of the recommendations contained in the Speech from the Throne, was in conformity with the recommendation, and was calculated to give effect to the wise and prudent counsel contained in it. The right hon. Gentleman who introduced the Bill, in the course of his speech on that occasion, adopted as a leading principle the necessity of realizing the property of the Church, and with a view to that object, he stated, "the first thing to be done in the estimation of the Government will be to confer upon this description of property all possible security which it is in the power of Parliament to confer upon it." The right hon. Gentleman accordingly at that time proposed, that the Crown should take upon itself the collection of the Land-tax or Rent-charge—that time should be allowed to the landlords to redeem it; but in the event of their not doing so, that the Land-tax should be saleable, and the produce vested in landed property for the use of the Church. With respect to the proposal for subjecting the landlords to the burthen by any compulsory proceeding, and without a power of redemption, the House, he trusted, would permit him to call their attention to the sentiments of the right hon. Gentleman at that time: his opinion then was—"that such a measure could not be recommended to the consideration of Parliament on any principle consistent with honour, justice, or good faith." The measure which the right hon. Gentleman now recommended to Parliament, backed by the weight of the Government, was precisely that which he then declared would be at variance with every principle of justice, honour, and good faith.—Now, with respect to the reviewing of the compositions, he (Mr. Lefroy) wished to show the varying sentiments of the right hon. Gentleman; it appeared then, as now, to have been the object of the hon. and learned member for Dublin to open the compositions throughout Ireland, and expose them all to a review. What was then the language of the Secretary for Ireland? He said—"The hon. and learned member for Dublin stated, on the first night of the Session, that he believed that at least in nine cases out of ten, the effect of the Composition Act was to increase the amount of tithe in Ireland. I somewhat indiscreetly (says the right hon. Gentleman), as it appears to me now, admitted, that a trifling increase might have taken place in the case of one third of the parishes in Ireland;" but he added—"I have since found on calculation, that if I had limited my admission to one-tenth of that third, I should have been nearer the mark." He, therefore, had the testimony of the right hon. Gentleman, founded on a calculation then made, that not in one-tenth of one-third of the parishes in Ireland, was there even a pretence for a review of the composition. He had thus referred to the speech of the right hon. Gentleman upon introducing the Bill of February as a criterion, which the right hon. Gentleman could not object to, for, comparing and judging the Bill which he now called upon the House to pass: the great principle of the Bill of February last, pursuant to the recommendation of the Crown, was, the extinguishment of tithes. That Bill did accordingly not only in name, but in reality, provide for the extinguishment of tithe, for by that Bill, the composition was redeemable, and the proceeds of it were to be vested in land, and the tithe-owner put in possession of land as an equivalent for what he had previously received for tithe. The right hon. Gentleman, the Secretary for Ireland had stated last night, that if that plan had been pursued, the clergyman would be then as much at the mercy of the peasant as he was at present. But there was no reason to suppose any such thing. The fact was, that the clergyman was already in possession of some portion of land, and he knew of no instance in which a conspiracy had been entered into to defraud the clergyman of the rents arising out of glebe lands, no more than there had been to defraud any other description of landlords of their rents. That, therefore, appeared to him to be a mere speculative or notional objection—at all events, by the possession of land the clergyman would have the means of subsistence for himself and his family, and not be left, as many of them had been lately, in a state of actual want and destitution. It had also been said, that there was a great objection to bringing so large a portion of land into mortmain. He had already pointed out an answer to that objection—in the quantity of Bishops' land taken out of mortmain by the Church Temporalities' Act—but the objection was merely of a speculative nature. It was true, if the lands were to be held, as they were formerly held by the monasteries, occupied by the monks themselves, there might be something in the objection, but not where in general they would be let out to farmers like the lands of any other landlord. The first difference then between the two Bills was this, that the one provided for an actual extinguishment of tithes—while the other kept up the thing, though it changed the name. The one Bill met that prejudice of the people which, it was said, prevented them from paying the clergy of a Church from which they derived no benefit; while the other left the collection of the rent-charge open to every objection that ever was urged against tithe; for it was idle to suppose that it would not be well known to the peasantry of Ireland, that the amount of the rent-charge was to be appropriated to the maintenance of the clergy of the Established Church. It was said, indeed, in answer to this objection, that by the present Bill the rent-charge was to be paid by the landlord. But how was the landlord to be reimbursed? If his land should be in lease, and the tenant should hold under a lease prior to 1832, the landlord would be entitled to levy the amount from the tenant. But what security was there that the tenant would not resist, and if the landlord could not recover the amount from the tenant, it would furnish him with an excuse; nay, if the landlord should be as ill affected to the Church as the tenant—or if a portion of the landlords, from their straitened circumstances, should find it inconvenient to pay—what inducement did the Bill hold out for an understanding between the landlord and tenant?—and thereby leave the clergy worse off than before for the portion of his income which the Bill nominally leaves to him. Supposing the Commissioners of the Woods and Forests, in order to enforce payment, to appoint a receiver under this Act, and he was to distrain, would not the same objection that formerly existed to levying property distrained for tithe—would not that objection be urged with equal force to purchasing property distrained under the present Bill— well knowing, as the peasantry of Ireland must do, that the proceeds were to go into the clergyman's pocket? He voted for the second reading of the former Bill, because, though it took away from the clergy one-fifth of their income, it effectually secured the remainder, and put an end for ever to a fertile source of agitation and disturbance of the public peace. But the present Bill left untouched all the grievances, whether fancied or real, which existed before. The next great difference between the two measures was this—that by the first Bill one-fifth only of the clergyman's income was abstracted, while by the present Bill two-fifths of the property of the Church was taken away for ever. He was not in the least desirous of imputing to the Bill greater injustice than it was calculated to effect, but no man could doubt, that by it two-fifths of the Church-property was spoliated. It was true, there was a provision for repayment of one-fifth out of the Consolidated Fund, and this advance was to be repaid out of the Perpetuity Fund. Was there, he would ask, ever anything so preposterous as this? The Bill first extinguished two-fifths of the property, and then they found a substitute for one fifth. But it was a mere delusion to say, that this was to come out of the Consolidated Fund. His Majesty's Ministers could not believe that the House would go on annually voting away money for the support of the Irish Church. It was unreasonable to suppose they would, and the result must be, that the one-fifth, which was nominally to be made good out of the Consolidated Fund, would eventually be left to be provided for out of the remaining property of the Church. As to the Perpetuity Fund being at all adequate for the purposes of making up the deficiency, he would take it upon himself to prove it was impossible. The Perpetuity Fund, taking it at the most exaggerated amount, was not anticipated by his Majesty's Ministers to produce more than 1,200,000*l.* and that statement was made on the supposition that the tenants of all Bishops' leases would purchase the Perpetuity. In the ten suppressed sees, however, no purchase of the fee simple would be effected. The Ecclesiastical Commissioners in these sees were bound to renew. There would be no Bishop to run his life against the tenant's; then why should any man pay even a quarter of a year's purchase for the fee simple of the estate? Formerly there might have been some object to be achieved when, for electioneering purposes, it became advisable for a landlord to have a number of forty shilling freeholders; but now the case was otherwise, as leaseholders had the power to vote, and it was therefore manifest that in the suppressed sees no purchases of the perpetuity would take place, and the estimated amount of the fund must, therefore, be reduced to a sum much lower than had been originally stated. But supposing the sum to be 1,200,000*l.*, the interest of which would amount to only 42,000*l.*, the amount proposed to be supplied out of the Consolidated Fund to make good the one-fifth of the tithes was 120,000*l.* annually. To meet this there would be at the utmost but 42,000*l.* a-year arising from the Perpetuity Fund. The difference, therefore, was 78,000*l.* a-year; and what prospect he would ask was there that that sum would be annually voted to the Church? But if it were to be made (as was signified by the right hon. Secretary) a permanent grant, it would be open to the House to call to mind the ground upon which the sum had been granted—namely, that it should be made good out of the Perpetuity Fund—and that fund failing, must be made a ground of repealing the Act, and the Church would then be thrown on its own property for support—the amount of that property having been diminished two-fifths by the present Bill. But if the Perpetuity Fund should be appropriated in the manner proposed, what was to become of the several matters to which it was now appropriated: and that brought him to the statement made by the right hon. Secretary which appeared to him to show that it was perfectly impossible the Commissioners could discharge the duties that at present devolved upon them, without the aid of the Perpetuity Fund. The outgoing of the Commissioners was stated to be 66,000*l.*; to that, however, must be added the sum of 4,000*l.*, being the interest of the 100,000*l.* which the Commissioners had just borrowed. But what was the amount of their income? The right hon. Gentleman stated it at 42,000*l.* a-year; but he must totally dissent from that sum being considered as annual income. In that sum the right hon. Gentleman included the amount of two years' income of the see of Waterford; and he had also included a sum of 7,000*l.* which was to be repaid by the clergy for their debt to the Board of First Fruits, though it was well known the clergy were incompetent to pay it.

Mr. *Littleton* said, he had no doubt that it would be, and he believed part of it would have been paid but the clergy waited for the result of some petitions presented to the House on the subject.

Mr. *Lefroy* would take the earliest opportunity of moving for a return which would show not the estimate but the actual sum in the hands of the Commissioners; and he (Mr. Lefroy) had the strongest reason for supposing that the Ecclesiastical Commissioners had not sixpence at their disposal. The churchwardens of St. Thomas's parish addressed a letter to the Ecclesiastical Commissioners, in the month of May, in which they stated that they had no means of providing for the celebration of divine service, or of paying the officers of the church, who were in great distress. This it would be admitted was an urgent application, and he called the attention of the House and of his Majesty's Ministers to the reply of the Commissioners.—"The Commissioners have not for some months past had money to make any payment on account of claims arising out of Church-cesses—as soon as a measure which has been brought before Parliament has become law, they will have the power of borrowing money to enable them to discharge all just claims of that description." Here was a statement from the Commissioners themselves, setting forth that they had not one sixpence to keep the roof of the church in repair, and that their only hope of having funds at their disposal arose out of their being enabled by Parliament to borrow money. He, therefore, doubted exceedingly the accuracy of the statement put forth by the right hon. Gentleman—it did not certainly satisfy him. If the House found that to be the situation in which the Commissioners were placed, what, he would ask, was to become of all the churches in Ireland (for the application to which he referred was by no means a solitary instance)? If the Perpetuity Fund were alienated from the purposes to which it was appropriated last Session, the churches in Ireland must go to ruin, and divine service be completely put an end to in that country. He (Mr. Lefroy) doubted whether the House would sanction another loan to the Commissioners; but if they even did, the fund would be so eaten up with the interest in these loans that it would be impossible for the Commissioners to meet the other charges upon it. The landed proprietors of Ireland were last year relieved from the vestry cess; and when Government were asked what they would provide in lieu of it, the House and the country were told that a substitute, beyond all doubt, was found for it in this Perpetuity Fund. The Commissioners had had an opportunity for one year of trying their hands, and upon their own showing, if the Perpetuity Fund were to be taken away, there would be a deficiency of twenty-eight thousand pounds per annum. He thought the deficiency greater, inasmuch as he did not consider their present income more than 20,000*l.* a-year. He said, therefore, when the Bill differed so materially from that which had been read a second time—when the very existence of the Church was brought into jeopardy by turning aside the fund which was appropriated for its support—when the principle upon which the original Bill was founded had been totally abandoned—he felt not only justified but called upon—on the score of what he owed to the interest of those he more immediately represented in that House—and on the best consideration he was able to give the subject—to resist to the uttermost the passing of the Bill. Before he sat down, he begged to remind the House that when it was last year proposed to levy a tax upon the present incumbents to make good the amount of the vestry cess, the proposition was rejected by a strong expression of the sense of the House. Then he would ask why it was that these incumbents were to be now more severely dealt with? He could well understand, if the Bill had remained as it was, why, although one-fifth was sacrificed, it should have been supported by the friends of the Church. He had voted for the second reading of the Bill—because, although one-fifth was sacrificed, perfect security was given to the remainder; and he should have supported the Bill to the last, if it had remained what it was. But the property of the clergy was not only to be reduced without any consideration, or adequate inducement, but what was left was exposed to the jeopardy to which the re-opening of the compositions left them liable. There was a new source of vexation and expense, and all the old ones still remained. He would ask did all the conscientious scruples, as they were called, of which the House had heard so much, exist as strongly to the payment of the rent charge of three-fifths as they did to the payment of the full composition under its old appellation, or could the House forget what had been within a few nights so emphatically stated by the hon. member for Tipperary (Mr. Sheil), that nothing would be considered by him, and those who acted with him, as having been done, until the remaining property of the Church should be differently appropriated. The clergy of Ireland he (Mr. Lefroy) would say got nothing by this Bill, and he should be wanting in his duty to the clergy, and acting contrary to their wishes, their feelings, and he would add, their interests, were he not to oppose its further progress. With respect to that great principle of asserting the rights of property, of which the right hon. Gentleman in opening the measure to the House in February had said so much, how stood the case now? By the present Bill that principle had been abandoned. There had been no vindication of the law or of the rights of property, but, on the contrary, a great bonus had been given to agitation; and those who had been the instruments and the agents—if not the destroyers of this property—had been rewarded with the spoil. It was not at the call of the landlords of Ireland that this concession was made—it was notoriously a concession made to the hon. and learned member for Dublin. Instead, therefore, of property being realized, it had been sacrificed. By the former Bill the compositions were to remain fixed—but the present measure opened them all. Should the present measure pass, no clergyman in Ireland could state what his income really was to be; all the compositions, at whatever period made, were to be exposed to review, and they were to be examined into, not upon the principle upon which the compositions had been entered into—but upon new and different principles. That he would fearlessly assert, was an anomaly in legislation unparalleled in injustice. On all these grounds he felt coerced to oppose the Bill; and he should therefore move that it be read a third time that day three months.

Mr. *John Young* in seconding the Amendment, wished to make a few observations in consequence of the great change made in the Bill by the Amendment, which the doubtful opposition, or rather the connivance of Government, had enabled the hon. and learned member for Dublin to carry in Committee. When it had been proposed on the 20th of February last, "that all compositions and commutations of tithe should entirely cease after the 1st of November next—that his Majesty should, after that period, be empowered to impose a land-tax, which should be redeemable, the charge to be collected from the occupying tenant, who should be entitled to deduct the same from his rent"—he, in common with those Gentlemen whom he usually acted with, had been induced to vote for the proposition, rather as a choice of evils, under very difficult circumstances, than as any thing *per se* beneficial. The clergy of Ireland, as he understood, with a generosity and forgetfulness of self which well became that pious, learned, and unjustly maligned body, had put themselves into the hands of their friends in Parliament, and requested them not to look to their temporary embarrassments, or the pressure of want which many individuals amongst them were suffering; but rather to consult for the permanent advantage of the Establishment. The measure, as at first produced, gave an assurance that the revenues of the Church should be but little diminished, and that no part of them should be diverted to other than ecclesiastical purposes, while the scheme of redemption held out, in his opinion, the only just and practical means of arriving at something like a final adjustment, and real abolition of the obnoxious payment. Since February, the change of men in office had been considerable, and the change in counsels still more so. So many withdrawals of principle—so many substitutions of clauses had taken place, that scarcely a single feature of the original plan remained. The chief inducements to support the measure were gone, while several most objectionable points had been introduced. The re-opening the compositions could only lead to the infinite annoyance of clergymen, and unlimited litigation and perjury throughout the country. The greatest and worst change in the Bill had been effected by the hon. and learned member for Dublin; the Church was at once deprived of two-fifths of its tithes—the remainder was vested in the Crown, and the landlords made tithe-proctors. How far this proposition was made in good faith—how far its proposer's judgment and opinion really supported it, could be best ascertained by a reference to what he had before declared. On the 20th of February that learned Gentleman addressed Ministers with: "What are you about to do now? You are about to turn the landowners into your tithe proctors to gather in the tithes, calling them a Land-tax. I do ask you to pause before you do that. Recollect that it is not the amount of the payment which is in question—it is the application of the money which constitutes the grievance. That has been one of the heart-sore spots of the people of Ireland. Recollect, that tithe agitation necessarily threatens a rent agitation—for it unavoidably mixes with it. Hitherto it has been kept separate.—Landlords of Ireland look to yourselves! If you be made under this Act, Tithe-proctors, that very spirit which has continued to agitate on account of tithes for seventy years, will be now applied to rent as well as tithes. Therefore by legislating as you propose to do, you will entail still greater misery on that country than you have yet caused her." It was impossible that one so deeply conversant with Irish politics, so consistently bent on the destruction of Protestantism for thirty years, could have altered his views in the last few months. It was, therefore, clear that his Amendment had been proposed, not to relieve the Church, not to clear difficulties away from the path of the Legislature, or to restore peace to the country, but to gratify his own party with a large bonus of the plunder, and encourage them by making a stride towards the subversion of the Established Church. The men of landed estate in Ireland were placed in an irksome and invidious, and probably dangerous position, as the collectors of a long-resisted payment—and that in a country where the rights of property have never been well supported by popular opinion—where eleven-twelfths of the land are held by title derived from a right of conquest, and where there exists in the minds of the multitude a vague idea of a right of re-assumption as soon as occasion may offer. The enemies of the Church had still further reason to be well satisfied with the Amendment; for, as appeared to the hon. Member, from the explanation of the Chief Secretary, that point on which parties had been contending all the Session—on which a Cabinet had split, and which was said to be still left open—was in reality conceded. Two-fifths of the tithes were given up to the people; but the Consolidated Fund was to pay the clergyman one of these fifths; the fund was to be re-imbursed out of the Perpetuity Fund; in other words, a robbery of the Church, and a Government outlay made for the satisfaction of a particular party was to be repaid out of the Church's own property. It required little wisdom to foresee how easily this could be perverted into a precedent for alienating Church-property, and how certainly it would be made use of to stay for a moment the clamour and impetuosity of those whom no concession could ever satisfy, while anything remained to be conceded. The hon. Member repelled the charge of bigotry brought against those who supported the Church. They had no wish to domineer over their Roman Catholic fellow-subjects. They defended it, because they thought the means its enemies were taking to destroy it, and raise another establishment on its ruins, were pernicious to the rights of property, and their end to be struggled against as fatal to civil liberty, on account of that influence which their priesthood invariably aspired to and exercised over the consciences and conduct of the laity. The men of property were not actuated by religious intolerance; but where they had so deep a stake were quite right—

> "Not to wait upon necessity,
> And leave themselves no choice of vantage ground,
> But rather meet the times where best they may,
> And shape and fashion them as best they can."

He looked with regret to the past, and with mournful anticipation to the approaching winter, when he recalled to mind the waverings and uncertainties of ministers throughout the Session, and looked to the state of feeling and excitement in Ireland, where agitation, every where triumphant, was extending that which one of the clearest-minded and most enlightened statesmen of the age termed "inseparably its effect"—crime and outrage—into districts hitherto peaceable; while Ministers, yielding to choice or intimidation in the House, had suffered the repressive powers Parliament was ready to intrust them with to be diminished and impaired. He should oppose the measure to the last, as grossly unjust to the Church, and injurious to the landlords, while it could satisfy no party and produce no peace.

Mr. *Halcombe* was of opinion, that the Coronation Oath, and the Articles of Union prohibited the Legislature from appropriating the property of the Church. At the same time, when a case of necessity arose like the present, something must be done. Parliament had certainly the power, if not the right, to act. Ministers were, he admitted, justified in proposing some measure; but he disapproved of the provisions of this Bill. On that account, he should feel himself bound to oppose the Motion for the third reading. The measure in his opinion gave the clergy no security for that property which was left them, and was therefore unworthy to receive the assent of that House.

Mr. *Shaw* said, that frequently as he had had occasion to trouble the House since his Majesty's Ministers had transformed the Bill which they had themselves introduced, into a measure inconsistent with, and violating every principle of that original Bill, he still could not suffer that last opportunity to pass without expressing his srongest dissent from the substituted measure; and the devious, vacillating, and uncandid course which the Government had pursued in reference to it. The very title of the Bill was a mockery — to that moment it was "to abolish tithes, and to substitute in lieu thereof, a land-tax, and to provide for the redemption of the same," and the Bill passing under that name did not accomplish any one of those objects, but did the very reverse. Instead of abolishing all yearly payments in the nature of tithes, (which, under the unhappy condition to which those who misgoverned Ireland had permitted all law and property in that country to be reduced, might have been some benefit), that Bill only reduced the amount to two-fifths, thereby confiscating that proportion of Church property, but leaving behind whatever evil belonged to the principle of an annual payment. It provided no Land-tax, which, under the Bill as at first introduced, was the favourite means of the right hon. Gentleman (Mr Littleton), for vindicating the law, and restoring the value of tithe property, by taking the collection into the hands of the Government for a limited time, and a specific purpose: but all idea of re-establishing either the law or the rights of property was relinquished —and the principle of redemption which constituted the whole essence of the former measure, was not only abandoned, but a species of rent-charge substituted for it at so low a rate of interest as to form an effectual bar to its ever being redeemed; and the only remaining principle upon which the Government professed to act when they brought forward the measure—namely, that the Irish landlords should receive no part of the property of the Church, was also most grossly violated by the measure in its present shape. In short, at first sight, it would appear as if the Government could have no other object in their course than to afford an example of unparalleled inconsistency in their own conduct, and of a Bill in its progress through the House, violating every principle upon which it was introduced. However the Government had another, and to him a very obvious motive—they sought by that Bill to do indirectly, what they had not the manliness to do directly—that was, to appropriate Church property to secular purposes, avoiding the differences in the Cabinet, and the embarrassment in other quarters which must arise if they openly professed to act upon that principle. They did not venture to yield to the hon. and learned member for Dublin on that point, when he attempted to take them by storm, but they willingly fell into his ambuscade. His noble friend (Lord Acheson) had charged him with having accused the Government of truckling to the hon. and learned Member in the mock division of the other night. He certainly did—but then that was not the first nor the most striking instance of a mean subserviency to the views of that hon. and learned Gentleman which the Government displayed in respect of that Bill. He (Mr. Shaw) alluded more particularly to that great change from the principle of redemption to the flimsy subterfuge of three-fifths the present year (as the grounds of further reduction the next and every succeeding year, till all was gone), a plan, which it appeared from the confession of the hon. member for Waterford (Mr. Barron) the other night, had been concocted at a meeting of what were called "the Irish Members," and which the right hon. Gentleman, (Mr. Littleton), endeavoured to palm upon the late Secretary for the Colonies as his own. That right hon. Gentleman (Mr. Stanley), however, quickly detected the imposture—boldly snatched the "honorable board" from the hands of the right hon. Secretary (Mr. Littleton), and exposed the whole trickery. Yes; he, (Mr. Shaw), would maintain that a more complete hocus pocus of uncandid and unfair dealing had never been attempted. Church plunder was the end, and the means by which the Government sought to attain it, was offering to all the parties concerned a share of the spoils. To the Clergy they said,—allow us to divest you of the title to your whole property, and become State-pensioners for three-fifths of the amount; in which case we will give you an annual charge of one-fifth on the Consolidated Fund (ready, by the way, to be withheld at any moment), and insure you for the present year four-fifths of your income. To the landlords, or more properly to the landed interest, the bribe was ultimately two-fifths of the entire Church property, provided those who held their estates leased would, for the present, submit to the payment of tithes to which their tenants were liable, and from which the landlords were by law exempt; thus doubly violating the rights of property, and endeavouring to justify one injustice by another. The inducement to the House to contribute from the public purse towards carrying into effect that mystified scheme of spoliation was, that without much regarding by whom the first fruits were enjoyed, they were establishing the all-important principle of the alienation of Church property from Church purposes, and, at the same time, stripping the Irish branch of the Established Church of the means of its support. It was a part of the measure that the sum advanced from the Consolidated Fund was to be the first charge on the Perpetuity Purchase Fund, which had been last year appropriated to the sole use of the Established Church, it being at the same time notorious that the Commissioners were, at that moment, without funds to meet the ordinary expenses of repairing Churches, paying salaries, and providing things necessary for Divine Service. He (Mr. Shaw) had that day received a petition from Mr. Hamilton, of Hampton, complaining that a Church in his immediate neighbourhood, at which the average congregation was more than five hundred, had been shut up from the month of December last, owing entirely to the want of funds for its repair; and though Mr. Hamilton had offered to advance the money, (the Church having been principally built and endowed by his, Mr. Hamilton's, father), the Commissioners said they could not reckon upon funds to repay him. The fact was, they had but 6,000*l.* in hand for the purposes of the commission—owing 20,000*l.* to the treasury for money advanced last year, and 100,000*l.* for money borrowed this year, independently of the 100,000*l.* by that Bill about being charged. And would the House believe, or be deluded by the hope of repayment, when he informed them, that the entire sum as yet realized, from the Perpetuity Purchase Fund, and out of the interests of which the 100,000*l.* a-year was to be refunded, amounted to 1,860*l.* 18*s.* 3*d.*? He had predicted last year, that the million would not be repaid; and now the noble Lord had postponed the first instalment for another year, and given up two-fifths beside.—[Mr. *Littleton:* You predicted, that no clergyman would take any part of it.]—He had expressed a strong hope, that the clergy would not accept that money, and he was sure that those difficulties had been increased by their acceptance of it. In a letter he had received from a friend in the county of Cork that day, the observation of a shrewd Roman Catholic was mentioned to him—"that another rebellion was all that was wanting to knock up the Church for ever." He was persuaded, that while some of the Irish clergy were driven to accept that money from the severe pressure of want, many of them accepted it from the apprehension of the undeserved reproach that would have been cast upon them, had any disturbance arisen from the enforcement of their rights, while any substitute, however inadequate, was offered them. He thought, then, the taunt came with an ill-grace from the right hon. Gentleman, (Mr. Littleton), that the clergy had darkened the Courts of the castle-yard, in Dublin, with their importunity for the wretched pittance that was afforded them —many of whom had been reluctantly compelled to seek it by the privations and misery endured by their families, in consequence of the imbecility, and the timid conduct of that right hon. Gentleman's Government. The right hon. Secretary said, that he paid no great respect to his (Mr. Shaw's) opinions or political principles. He did not feel that to be a censure. His principles and opinions were at least consistent and disinterested—they had not been taken up for any particular occasion—he had had the misfortune never to have been the supporter of any Government—while he believed the fate of the right hon. Gentleman had been rather of an opposite description—as all Governments, whether Whig or Tory, had enjoyed his (Mr. Littleton's) support and he (Mr. Littleton) seemed even now inclined to lend his aid to a radical one, expecting that to be next. But could the right hon. Gentleman be so wilfully blind as to suppose that the line he had taken that Session with regard to the affairs of Ireland could procure him the respect of any portion of the people of that country. His Majesty had recommended in his Speech from the Throne, a final adjustment of the tithe question without injury to the rights or property of any class of his subjects, or of any institution in Church or State—and the right hon. Gentleman then proposed a plan, which it was not pretended could be a final settlement—and it must be admitted, injured the rights and property of all classes of his Majesty's subjects in Ireland—and by subverting the Church

Establishment there, must shake the foundation of every institution in Church and State. Then the right hon. Gentleman outraged every notion of common sense in employing the hon. and learned member for Dublin, the great inventor of dangerous associations, to bring in a Bill for suppressing them; and now the same hon. and learned Gentleman was the author of the present Bill for securing (as they were assured) the welfare and permanency of the Established Church, when the leading and avowed object of his life was to destroy it. Suppose the Church to consent even to receive three fifths of their income, what greater security was there for that than for the whole? In a letter written by the hon. and learned Member in December, he said, tithes both in name and in reality—call them by what name you will, must be totally abolished —the system must go root and branch." The principle of his public life was, that no one Christian should be compelled to contribute to the support of a Church to which he did not belong. How then did the present measure meet that view by merely altering the amount? And what did the hon. and learned member for Tipperary (Mr. Sheil) say?—That "it would be a delusion to tell you that reducing tithes forty per cent would produce pacification." Forty per cent will not do. You must strike off more Bishops. And you may depend upon it next Session Ireland will appear before you and call aloud for a larger measure of relief; no other expectation has been held out to you?" Then they had been told the Irish landlords would be satisfied. He believed they never would approve of injustice; they might indeed, as would be natural, in the midst of the general scramble for property, which seemed to be approaching in Ireland, take what they could get; but it would be without satisfaction. If Church property were confiscated for their use, they would receive it sullenly and contemptuously, well knowing, that it was but a bounty upon insubordination and outrage, the price of crime, and the earnest of the insecurity of their own properties, persons and lives. It could not be said with truth that he was standing on old and bigotted notions of abstract rights. He had consented to make many concessions and many sacrifices in supporting the Bill as brought in by the Government, because it would, through the medium of redemption, have finally adjusted the whole question of tithes; but to that Bill, in its present form, he never could give his assent. It violated every principle of justice, and every right of property. If he was asked what would then become of the Irish clergy for the present year, he would answer, that in November next the composition would be universal throughout Ireland under the Act of 1832. The old system of tithes would be completely done away; and if we were to have any law, or any protection for property at all in Ireland, the clergy would have every possible remedy and power known to the law for the enforcement of their rights. He was convinced the clergy would use those powers as they had ever exercised their rights, with consideration and forbearance —they would never press upon a poor man, really unable to pay—but he hoped they would not abandon their just claims, nor hesitate to use the most summary and effectual process of the law against those who were contumacious, and unwilling to pay, from a spirit of unlawful combination. To the clergy, he would say, "Be just, and fear not." He thought they could recover the principal amount of their just demands by the ordinary process of the law, if they did but receive that protection due by every Government to those intrusted to its care; but even if it were otherwise, and if they were to fall, then, he would say, let it be with magnanimity, and not by their own hands—let them bear in mind the sentiments of the eloquent moderator, who, in his address at the close of the late Session of the general assembly in Scotland advised the Ministers of that Church, in a language, the spirit, if not the words of which, he hoped he recollected, and never would forget, that in the event of an anti-Christian administration infringing the rights and privileges of the Church, "then," said that eminent and faithful man, "it will become our duty to remember the men and the deeds, and the courage, and the steadfastness of former times—to withstand every attempt to deprive us of our rights, or to corrupt our principles; and if the Church must perish, rather let her perish with an unsullied fame, than live by the sacrifice of any one truth for which God hath enjoined us to contend—or of any one principle, in defence of which our forefathers bled and suffered and died."

Mr. *Littleton* said, he was sensible that the Government had exposed itself to the hostility of the hon. and learned Gentleman (Mr Shaw) by their opposition to those exclusive principles, of which the hon. Gentleman was the strenuous advocate; and he took credit, on behalf of the Government for having deserved his reproach.

Mr. *Sinclair* said, that it would have been deemed unreasonable and unjust in any House of Commons, except the present, which claimed to itself the honour of being reformed, to have rudely interrupted one of the Representatives of the people, especially at the early hour of half-past eight, when endeavouring to discharge a solemn and important duty. He should not, however, be deterred from avowing, that, if this question were pressed to a division, he should vote against the present Bill, because its provisions were essentially changed since he supported it on its first introduction. He knew that such conduct would be unpopular, both in this House and in the country; but he should not shrink from acting according to his conscientious conviction. He had not objected to this amendment of the hon. member for Dublin, but had voted in its favour, because he had always maintained that the burthen of tithes devolved on the proprietor and not on the tenant, and he was desirous to accelerate the arrangement as much as possible by which this principle was practically carried into effect. But he felt that there was no security provided in this Bill for the three-fifths, which still continued to be the nominal patrimony of the Church. The appropriation was now declared to be an open question, and before many years elapsed, the whole would be absorbed by a faction, half Popish and half Dissenting, whom nothing would satisfy but the destruction of the Protestant Church, and the subversion of the Protestant faith. He had, however, chiefly risen for the purpose of recording his deep and unfeigned regret at the system which his Majesty's Government had adopted in reference to the Church. He trusted that the few remarks which he intended to submit would be couched in the language of respectful remonstrance, not in terms of acrimonious hostility. He would gladly have abstained altogether from taking part in the discussions on this subject, and he dissented most reluctantly from the views of the Administration; but this was a question of principle, and therefore admitted of no compromise—this was a crisis of peril, and therefore required decision. He firmly believed that the measures which the House was called upon to adopt were as infallibly calculated, as they were assuredly not intended, to shake the very basis of confidence and protection on which the social fabric rested. The clergy, instead of being the legitimate owners of their property, become tenants at will, removable at the pleasure of the Legislature; and the wedge, which they were now about to introduce, would serve for the accomplishment of that object, which he as strenuously deprecated as the Dissenters imperiously demanded — he meant the severance of the connection between the Church and the State; or, in other words, the confiscation and embezzlement of all Church property throughout these realms. His Majesty's Ministers had often said, that it was their desire and their duty to speak out; he intended to follow their precept, though he could scarcely add, their example. It appeared to him, that they were pursuing a tortuous and inexplicable, not a straightforward or intelligible course. The House was, indeed, assured, that on this great question they were all of one mind; but when they compared what was said within these walls with the sentiments uttered in another place, was it possible to avoid arriving at the conclusion, that the unanimity so often contended for was rather nominal than sincere? It resembled a ray of light, which appeared homogeneous to superficial or ignorant observers; but which, when submitted to the prism of strict and searching scrutiny, was resolved into constituent elements, exhibiting a striking diversity, or rather an absolute contrast, both in color and in brightness. Two of the most brilliant tints had unhappily disappeared from the ministerial *spectrum* in that House; the blue, as represented by his right hon. friend, the late First Lord of the Admiralty — the orange, or true Protestant, as denoted by the distinguished Ex-secretary for the Colonies; and ever since that period, the beams, reflected by the Cabinet upon the Church, had displayed feeble, ambiguous, ill-defined, and flickering light; his Majesty's Ministers were "willing to wound, and yet afraid to strike;" they longed to propitiate the Dissenters, and yet were loth to break with the Church. He believed, that they had many secret misgivings as to the tendency of their present course; and, when about to descend the precipitous declivity, they almost involuntarily recoiled at the contemplation of the gulph which yawned below. By what means did they expect to arrest the downward progress of their own career? Where was the line of demarcation which was to separate concession from resistance? When were they to say to the Church destructionist, "So far shalt thou go, but no further?" He, at least, would so express himself as not to be misunderstood. He was certain that it was equally inconsistent with law, with equity, with justice, and with sound policy, to divert any portion of the ecclesiastical property in Great Britain or in Ireland from purposes in the strictest sense ecclesiastical—by which he meant the erection and endowment of places of worship in connection with the Established Church. If, therefore, he was asked at what point they ought to begin to withstand encroachment, his answer was, "Commence it now—here let us fight the battle—here let us take our ground." Compliance served only to engender fresh demands, to stimulate the ardour of their enemies, and to damp the courage of their friends. The opponents of the Church were as insatiable as they were implacable; they thought that they themselves had gained nothing, whilst the Church had anything to lose. He trusted that the friends of true religion would rally round that banner which God had given to them that fear him, and that the machinations of her enemies would terminate in their own confusion. Instead of obtruding upon a reluctant audience many other arguments, which under more auspicious circumstances he should have ventured to adduce, he would conclude by reiterating his intention to vote against the third reading of this Bill.

Mr. *O'Connell* contended, that, by the Bill as it now stood, a better security would be given for the collection of the three-fifths than could otherwise exist for the collection of the whole tithe. In fact, there would be no security, unless this Bill became a law, for the collection of any portion of tithe; but now that difficulty would be got rid of. The speech of the hon. and learned member for the University of Dublin seemed to him the dying note of the heretofore ascendancy party in Ireland; that hon. and learned Gentleman deplored this Bill as an injury to the clergy of Ireland; but how could it injure them? It was admitted on all hands, that they could not collect more than a fraction of their tithe. By this Bill they were secure of eighty per cent. upon their former nominal amount. They would not be reduced to such straits as some of the clergymen had been, to sell—not their wines or their carriages, but their books. That resource would not now be necessary; they would obtain exchequer bills bearing interest at three-halfpence per day for every 100*l.*; and these bills they could get cash for at Cheltenham, or any other fashionable place where they might choose to reside, without any difficulty or discount. The hon. and learned member for the University of Dublin was strangely inconsistent in his logic. One day he objected to this Bill as a robbery on the landlords of Ireland; on the next day he objected to it as a bonus to them. On Monday he said they were robbed by the Bill; comes Tuesday, and his tone was altered,—the landlords had a great bonus of forty per cent by it; and in a kind of play-house whisper he informed the House, that the Bill would have both effects. Why, none but the representative of an Irish university could have adopted such extraordinary logic. The Bill was one which would have a conciliatory tendency. It would have the effect of collecting the tithe without any effusion of blood. It would form a new epoch in the history of the English government of Ireland during a period of 670 years. This was the first great step towards a conciliatory system in Ireland; and it would succeed, if the Government had the firmness to persevere in it. He would repeat, it would stop the effusion of blood for twelve months at least. He said twelve months, as not knowing whether the system might be allowed to go on beyond that time. In a pecuniary point of view it would be a saving to this country. At present the collection of tithe in Ireland cost the country 1,500,000*l.*; and though this country might be called upon for some present small pecuniary penalty, still it would be money well laid out, and would prove an ultimate saving. The hon. and earned Gentleman had expressed a hope that he might see better times. In that hope he concurred, though he had no doubt that his views of better times applied to very different circumstances from those which the hon. and learned Gentleman contemplated. He (Mr. O'Connell) hoped for such times as would stop the effusion of blood—to prop up a bad system of tithe collection. He hoped there or elsewhere no obstacle would be opposed to this healing measure—that no party in that House or elsewhere would be found to stand between the Government and the Irish people. He hoped that at the end of more than six centuries of misgovernment no attempt would be made to blast this first step towards the pacification of Ireland. He hoped that when certain parties considered the security of their property and their dignities, they would not oppose this healing measure, and prefer another twelve months of discord, riot, and bloodshed. Whatever opposition the King's Government might receive on this question, he hoped they would have the manliness and the firmness to resist it; and there could be no doubt the resistance would be successful. It had been said, that this was his Bill. It was not. He had not brought it in; but he wished to make it such a Bill as would be useful to Ireland. The House of Commons had consented to reduce it to its present state; and he had no doubt that the people would stand by and support their faithful Representatives in this measure. He hoped that they would not suffer it to be defeated by the efforts of disappointed ambition—of vexed, and fatigued, and expiring bigotry.

The Bill was read a third time. Some Clauses were added, and verbal Amendments made, and the Bill was passed.

SUPPLY.—CASE OF THE BRIGHTON GUARDIAN.] Lord *Althorp*, in moving that the report of the Committee of Supply be brought up, stated, in answer to a question put to him last night, and which he was then under the necessity of declaring his inability to reply to, that the expense of the prosecution of Mr. Cohen, the proprietor of the *Brighton Guardian*, had been defrayed by Government. The circumstance of Government paying the expenses of prosecutions for libels against such functionaries was not new: there were several instances on record.

Mr. *Warburton* hoped this case would not be made a precedent of, because it might be greatly abused, and might lead to the oppression of individuals. He was satisfied that the noble Lord would not, on principle, defend such a case.

Mr. *Sheil* wished to know whether the expenses of the prosecution were paid out of the secret service money, or whether they were included in the Estimates?

Mr. Secretary *Rice* said, the expenses of the prosecution were not paid out of the secret service money.

Mr. *O'Dwyer* said, that libels against public functionaries ought not to be prosecuted on slight grounds; but, above all, Government ought not to sanction such prosecutions in the cases of other parties where they were not prepared to take the responsibility.

The Report was agreed to.

COUNTY BRIDGES (IRELAND).] Mr. Littleton moved the Third Reading of the County Bridges' (Ireland) Bill.

Mr. Jones moved the third reading that day three months.

The House divided.—Ayes 45; Noes 7: Majority 38. Bill read a third time.

Mr. French moved, that the words, "a moiety of the expenses of such work should first be granted in aid of the Commissioners of Public Works," should be inserted in the fifth clause.

Mr. *Littleton* objected to the words being inserted, on the ground that they would render the Bill inoperative.

Mr. *French* was rather surprised at the change of the right hon. Gentleman's opinion. It was not his object to render the Bill inoperative; on the contrary, his intention was, and the effect of his Amendment, if adopted, would be, to render the Bill what, if this clause remained unaltered, it had little chance of becoming,—useful and effective. By the Bill as it now stood, the Lord-lieutenant was empowered to issue a commission to inquire into the expediency of building or rebuilding any bridge connecting two counties, and to direct that the expense should be levied off these and whatever other counties should be declared by them interested in the execution of the work, provided the Grand Jury of one of these counties should present a sum to defray the expense of that Commission, and request him to issue it. Now, did the right hon. Gentleman imagine that any Grand Jury would be so foolish as to hand over their power of taxation to the Lord-lieutenant—to leave their counties liable for any amount he or his Commissioners might think fit to appoint, no control being left to them, nor specification, expenditure, or execution; no community of interest, nor any pecuniary assistance afforded them? They never would consent to it. The object of the present Amendment was to soften down the opposition of the Grand Juries, to render it their interest to take the preliminary steps, by declaring that before this power should be exercised by the Lord-lieutenant, it should be necessary for the Commissioners of Public Works to signify their intention of granting in aid a moiety of the expenses of the work, as they were empowered to do by the 1st and 2nd William 4th. Compulsory presentments were always objectionable, particularly so in the present instance, where the person by whose order the money was to be levied had no pecuniary interest in watching over and controlling the expenditure. Hitherto an interest of that kind had always been deemed necessary, where such a power had been demanded — witness the cases where it existed. The police expenditure—half that was borne by Government. The roads under the direction of the Commissioners of Public Works, were originally constructed at the sole expense of Government; it was but fair the counties should be required to keep them in order, but in the case before them neither the whole nor a half was contributed. The House was aware, that, of late years, a considerable outcry had been raised in Ireland against the amount of money levied under the sanction of Grand Juries, the increase of which had been erroneously attributed to the jobbing of individuals, whereas, in reality, it was owing to the amount of presentments they could neither regulate nor control, and which were laid before them merely as a matter of form. In the return made by Mr. Griffith, he found the sum raised for compulsory presentments in the year 1830 amounted nearly to 500,000*l.*, considerably more than half the entire expenditure of Ireland. In the county he had the honour to represent, the presentment over which the Grand Jury could exercise control was 7,344*l.*, while upwards of 15,000*l.* was required for compulsory presentments. Referring to another return, he found that in Roscommon, establishments, such as gaols, infirmaries, &c., salaries of public officers, such as Clerk of the Crown, Peace, &c., for which thirty years ago 1,600*l.* was sufficient, now required by Act of Parliament upwards of 12,000*l.* He trusted these facts would show how necessary it was to keep a jealous eye on presentments of this description. He admitted the right of that House to lay on taxes, the power of the people to tax themselves for local purposes, through certain bodies, such as vestries, Grand Juries, &c., but he had yet to learn that it was in accordance with the spirit of the British Constitution to vest the power of taxation in any one individual.

Amendment negatived, and the Bill was passed.

HOUSE OF LORDS,

Wednesday, August 6, 1834.

MINUTES.] Bills. Read a second time:—Fever Hospitals (Ireland); Land Tax Amendment; Assessed Taxes Composition; Militia Ballot Suspension; Stamp Duties Relief; Militia; Insolvent Debtors Act (Ireland) Continuance; Dean Forest Boundaries.—Read a third time:—Arms' Importation (Ireland).

Petitions presented. By the Archbishop of CANTERBURY, and the Marquess of BUTE,—from several Places, for Protection to the Established Church.—By the Earl of GOSFORD, from Greenock, for the Abolition of Impressment; also for Mail Conveyances by Steam Boats between all Places where Steam Boats regularly ply.

POST OFFICE.] The Earl of Gosford presented a petition from Glasgow, for the abolition of the impressment of seamen; and one from the Chamber of Commerce of Greenock, complaining that the mails were not forwarded by steam boats along the river Clyde.

The Duke of *Richmond* said, he should take that opportunity to make a few remarks on the subject to which the petition referred. The petitioners complained, that letters were not transmitted by steam-packets along the Clyde, from which they averred that great inconvenience arose. Now, with reference to what had been stated on this subject in another place, he had called on the parties who were particularly alluded to as being most interested in the matter, and he found that, so far from the statement to which he referred being true, the fact really was, that the Post Office took the opportunity, whenever it could be done with advantage, of transmitting letters by the steam-packets; and the noble Duke mentioned the names of several places on the Clyde with respect to which that course had been adopted. Certain parties wished that the Irish mail, with reference to some places in that country, should not take the route by Portpatrick. That would have been found inconvenient; and he felt it to be his duty to refuse the application. That was now made the subject of complaint by the petitioners. All that he regretted was, that those parties did not inquire minutely into the matter, and inform themselves thoroughly of all the circumstances, especially of the local circumstances connected with the case. This petition he had every reason to believe was got up by an individual who had distinguished himself elsewhere by his opposition to the Post Office department, an opposition which the facts did not by any means warrant, for he believed that there was not a department under the Government in which more zeal was displayed. In touching on that point, he felt it necessary to notice a publication sent forth by Mr. Barrow, called *The Mirror of Parliament*; and he would state there, in his place, that that publication was not a report of a speech actually made in another place. It was corrected by the individual to whom he had alluded, and was a garbled statement of what that individual really said. The public of Glasgow had stated to him (the Duke of Richmond) by their Representatives, that they were satisfied with what had been done by the Post Office, by which the transmission of letters by the mail was considerably accelerated. He had received a memorial, signed by many of their Lordships and by several Members of the other House of Parliament, requesting him to send the Glasgow mail through another part of Nottinghamshire. He had refused his assent to the proposition, because he understood, that if it were complied with, it would create an additional delay of five minutes; and he knew that a loss of five minutes in one place and five in another was likely to prove a very serious detriment to the Glasgow merchants. This showed that he was not unmindful of their interests. He should only say, with respect to the report that had been published in *The Mirror of Parliament*, that it contained no less than forty-one charges against the Post-office Department. He wished that the individual who made them could induce some one of their Lordships to bring those forty-one charges under consideration. In that case he would undertake to prove, to the satisfaction of the House, that there was not one of them which was true. He did not, however, conceive that he was called on formally to repel in that House vague attacks that had been made elsewhere; but he did feel that it was an act of justice to stand up there and state his opinion of the Gentleman who was at the head of the Post Office department, who had for many years filled a most confidential situation in that department. He was an individual who on every occasion deserved, and who on many occasions had received the approbation of the country at large. It was too bad, after having been for such a long time a faithful servant of the public, that that individual, who was not in Parliament, and therefore could not defend himself, was to be attacked in a rude manner. He should only say, that when he was at the head of the Post Office Department, whenever he found it to be his duty to disagree from the opinion of that honourable man, when he differed on any point from that active and intelligent officer, that officer always showed as much zeal in carrying any suggestion of his (the Duke of Richmond's) into execution as if it had been his own. It had been made matter of complaint, that he had refused to allow French letters to be delivered on Sunday; and this it was said he had done, because, forsooth, he wished Sir Francis Freeling and other persons in the Post Office Department to pass the day at their country-houses. With respect to Sir Francis Freeling, he had had no country-house for the last one-and-twenty years, and had no leisure, or very little leisure, for relaxation. He had refused the delivery of letters from France, on very different grounds, and what he considered very good grounds. If letters from Paris were delivered on the Sunday, how could he well refuse the delivery of letters from all parts of the country? If it were admitted in the one case, he knew not how it could be refused in the other; and, though he had not voted for all the Sunday Bills which had been introduced, still he would not consent to desecrate the Sabbath by such a proceeding. If he had allowed French letters to be delivered on the Sunday, the consequence would be, that the merchants must remain in their counting-houses on that day. If they did so, their clerks must attend likewise, for the purpose of copying, thus making Sunday as much a day of business as any one day in the week. Now, he certainly never would consent to any such measure. It would also operate as a very great hardship on individuals in the Post Office. Some of these who were members of the Established Church might be enabled to attend divine worship, but many others, owing to the hours at which they were employed, would be debarred from attending divine service. Now, he was perfectly satisfied, that a great many individuals in that department would sooner resign their offices than consent to such an arrangement. In what he had said, he could assure their Lordships that he was actuated by no personal hostility towards Mr. Wallace. On a former occasion Mr. Wallace had treated him ill; and when a man acted so, he often, in consequence, felt a greater degree of hostility towards the individual whom he had ill-treated than was entertained by the person ill-treated. He attributed to that gentleman no improper motive, and he was the less willing to notice the course that gentleman had taken, because he was not present to defend himself. It was possible, and he hoped it might be so, that Mr. Wallace was only the dupe of designing persons; and had been made the channel of communicating to the public gross libels against a department which he would there fearlessly stand up and say would bear a comparison with the best-conducted establishments in any country. He hoped it would be felt that he had not on this occasion trespassed on their Lordships' attention without some cause. He had deemed it necessary to make these observations, because he felt that this petition was directed against the department with which he had been connected, and which he was confident did not deserve censure. The only reason which he had to regret having occupied the attention of their Lordships so long was, because it would perhaps prevent his noble relation behind him from stating his sentiments on the subject, and doing justice to this department; an object which he could effect with much more ability than he possessed.

The Marquess *Conyngham* concurred in every sentence that had fallen from his noble friend; and he must say, that a more unjust charge, a more gross misstatement of facts, had seldom appeared than that which had been alluded to.

Petition to lie on the Table.

VOTE BY PROXY.] The Marquess of *Westminster* wished to take that opportunity of stating to their Lordships, that his opinion with respect to the subject of proxies, to which he had on former occasions called their attention, remained unchanged. He meant to have brought that important subject forward at an early period of the Session; but he had been requested not to introduce it at that particular time, on the suggestion that such a question should not be brought forward without the most serious consideration. In consequence of that request, he then put it off. After some time he was again prepared to bring it forward, but he was prevented by circumstances. So convinced was he that this anomalous and absurd practice tended to make their Lordships unpopular in the country—not only considering what had formerly occurred, but looking to what had happened even within a few days—that he was more than ever confirmed in his opinion that this subject was not only worthy of, but demanded, their serious attention; and, in truth, it appeared to him, that it would be decorous if their Lordships would at once give up the privilege. He expected to see, both in the ecclesiastical and civil department, the most piercing, the most searching Reform. Unless questions of that nature were brought forward by Ministers with a determined design to act in a manner the most satisfactory to the inhabitants of this country—unless the Government were determined to act with vigour and sincerity—he feared that they would not long remain in those places where he was very glad to see them at present.

HOUSE OF COMMONS,

Wednesday, August 6, 1834.

MINUTES.] Bills. Read a second time:—Exchequer; Public Works.—Read a third time:—Registration of Voters (Scotland); Tithes, Stay of Suits; Assessed Taxes' Relief.

Petitions presented. By Mr. WILKS, from Haverford-West and Narberth, for Relief to the Dissenters.—By Mr. LENNARD, from Maldon, against the increased Duty on Spirit Licences.—By Mr. R. WALLACE, from Pollockshaw, for Law Reform in Scotland.—By Mr. FELLOWES, from Dunkeswell and Chumleigh, against the Separation of Church and State.—By Mr. FINCH, from Stamford, against the increased Duty on Spirit Licences.—By Mr. SINCLAIR, from Irish Members of the Royal College of Surgeons of London resident in Dublin, and others, for an Inquiry into the Medical Profession.—By Mr. COBBETT, from Oldham, for the total Separation of Church and State.—By Captain JONES, from three Places, for Protection to the Protestant Church of Ireland.—By Messrs. Finch and Lefevre, from Long Sutton and Southampton,—for Protection to the English Church.—By Mr. Tooke, from several Individuals, for a Charter to the London University; also from Truro, against the Municipal Reform Commission.

POST-OFFICE.] Mr. *Robert Wallace*, in rising to present a Petition, availed himself of the opportunity to recall to the attention of the House the extraordinary circumstances which had occurred the day before, as to the delivery of letters beyond the number which Members were entitled to receive. It would be recollected he had stated his having received from Sir Francis Freeling a letter, stating distinctly, that it was contrary to law to deliver more than fifteen letters in one day, postage free, to any Member, and that there was no discretionary power vested in the Post-office authorities; this statement, it was attempted to insinuate, must have arisen out of some mistake, and could not be attributable to any intentional act of Sir Francis Freeling; but for this insinuation, and the levity with which the hon. member for Northampton seemed to treat the gross misconduct of the Post-office, he should not have thought of troubling the House with any such personal matter; but feeling it incumbent on him to remove every doubt as to the existence of the letter referred to, he had seen it to be his duty to have it brought from amongst his papers, some of which had already been sent so far on their way to Scotland. Here was the original covered with mud and in tatters, from the effects of shipwreck last year; he would read it to the House. The hon. Member read as follows:—

(Copy.)

General Post-office, 16th April, 1833.

Sir,—I considered it due to your application of the 28th ult. to submit the matter to his Grace the Postmaster-general, who has commanded me to inform you that, according to the legal construction of the Act of Parliament, a Member is not entitled to receive, on any one day, more than the limited number of letters.

The law makes no allowance for the intervention of Sunday; and I regret, therefore, that this Department has no power to dispense with the postage charged upon the enclosed letters.

I have the honour to be, Sir,
Your obedient humble servant,
(Signed) F. FREELING, Secretary.

Robert Wallace, Esq., M.P.,
29, Spring Gardens.

The House would see that the late Postmaster-general was implicated in this transaction as well as Sir Francis Freeling, and that both were equally to blame in regard to the transaction. Those Members who were not present the other day, would be astonished to hear that no less than three Members had avowed in their places their receiving, free of postage, as occasions occurred, considerably more than their privileged number, and this, too, by an arrangement with the writer of the letter just read, viz. Sir Francis Freeling. The hon. member for the University of Dublin had stated in his place his having received about fifteen letters above privilege, and free of postage, on Monday last, under the arrangement come to with Sir Francis Freeling, whilst that impartial and immaculate officer charged him (Mr. Wallace) for every letter above fifteen delivered to him since he had been in Parliament. Here was the exercise of uncontrolled power with a vengeance. The solicitor of the Scotch Post-office had complained of what he had said on a late occasion, when he, in his place in that House, at once admitted his regret for having said any thing which could offend or injure any one's private feelings or professional business. He understood the Post-office Solicitor to be a public servant employed to use the public money to defend the public from Post-office frauds, and he contended, this was a Post-office fraud committed either against him or against the revenue, by allowing one party to escape postage and to charge another with it; he, therefore, submitted that his Majesty's Government were bound to interfere and instruct the Solicitor to prosecute the late Postmaster General, and the Secretary to the Post-office for the gross partiality and flagrant injustice which had been committed against him in this matter. He had frequently complained of the unconstitutional powers delegated by patent to Postmasters General; and he would take leave of the subject he had now brought forward. One word on another subject—he had in his hand a letter from Liverpool, stating that the Post-office steamers were employed as common tug-boats, graced with the King's pennant, in honour of their competing with the mercantile capital and industry of that place. Many hon. Members might be ignorant of the injury and waste in tear and wear by using light steam vessels for tugging heavy loaded merchantmen. Many Members might also be ignorant of this being contrary to every principle on which King's ships had hitherto acted; and they might be no less ignorant of there being such a place as Holyhead, for the profitable repair of the injuries sustained by Post-office steam packets. He would here close the subject for the present, and leave the Post-office authorities on the exposure he had made.

Petition to lie on the Table.

Mr. Poulett Thomson moved the order of the day for the third reading of the Customs Bill.

CASE OF THE BRIGHTON GUARDIAN.] Mr. *Hume* took that opportunity of putting a question relative to what was reported to have been said by the noble Lord (Althorp) in that House during his absence last night relative to the prosecution by the Sussex Magistrates of the editor of the *Brighton Guardian.* He had given notice of a Motion upon the subject, but although he felt strongly upon the matter; he had no wish to introduce its discussion, provided Government had no objection to lay before the House the number of cases in which the same interference as to the payment of costs had taken place.

Mr. *John Stanley* said, that all communications which in such cases passed between the Magistrates of the country and the Home-office were usually considered strictly confidential. It had been stated last night, that the expenses of the prosecution in question had been defrayed by Government; and it was not a singular case, the same thing having taken place on several occasions before of great public importance, although not undertaken by the law officers of the Crown.

Mr. *Hume* wished to know whether there would be any objection to lay on the table a return of the different sums of money which had been so applied?

Mr. *John Stanley* said, there would be no objection to such a return as far as regarded the present prosecution.

CUSTOMS.] The Order of the Day was read, and the Customs Bill was read a third time.

Mr. *Crawford* brought up a clause for the purpose of giving effect to the benevolent intentions of the noble Lord (the Chancellor of the Exchequer) towards the lower classes of the community, by reducing the duty on congou and twankay tea from 2*s.* 2*d.* to 2*s.* per lb. The hon. Gentleman contended that the result of the classification adopted by the noble Lord, instead of reducing the duty on tea to the lower class of consumers, had materially enhanced it, and that the inferior quality of tea sold for more money than the higher quality, because the duties were disproportionately placed. It was not his intention to go into the very extensive subject of the tea-duties, because the report of the Committee which had been investigating that subject had not yet been laid upon the Table; but unless the noble Lord reconsidered the matter, and introduced early next Session some proper enactment with regard to it, the continuance of the present system would produce incalculable evils.

The Clause was read.

Lord *Althorp* said, it would be for the House to consider whether, under the present circumstances of the case, tea was one of those articles on which a reduction of duty should take place in preference to others where more substantial relief could be afforded. The hon. Gentleman proposed to reduce the duty on two classes of tea from 2*s.* 2*d.* to 2*s.* per lb., and the question was, whether it was now expedient to sacrifice the revenue of the country *pro tanto.* They ought to ascertain what, under a free trade with India, would be the price of tea to the consumer, which could not yet be done, before any proposition was entertained to lower the duties. He sincerely believed, that the breaking up of the monopoly of the East-India Company would materially reduce the price of tea; and if so, the consumer would receive adequate relief without the remission of any part of the duty. With these views, in the present state of the Session and of the country, after the regular financial statement had been made, and not having, as the House was aware, a very ample surplus revenue in his hands, he could not consent to reduce the duty on tea, or on any other article, and therefore he must oppose the Clause.

The Clause was negatived.

Mr. *Poulett Thomson* brought up a Clause to authorize the East-India Company to receive, warehouse, and manage East-India goods, the property of other persons, until the complete close of their commercial character.

Mr. *Crawford* objected to the word

"manage" contained in the clause, because he feared it would vest a power in the Company most detrimental to the trade, and enable them to make sales as they had heretofore done. Some definite assurance ought to be had that such an interpretation would not be put on the clause. He complained, that due notice had not been given of the intention of Government to bring forward this proviso: he believed it was introduced in opposition to the Court of Directors, who had in the strongest terms deprecated their being any longer mixed up with the commercial concerns of London. The only object he could see in it, was to render the East-India Company warehousemen to the profit of the Crown, which he sincerely hoped they never would become.

Mr. *Poulett Thomson* could not consent to the omission of the word to which exception had been taken, for he contended, that its retention was necessary to the object which Ministers had in view. He confessed it filled his mind with astonishment to hear it said, that the trade did not wish for the present clause: some of the dock companies might not desire it, but he was sure that the trade desired it most earnestly. As evidence of the fact, that so far from being considered prejudicial by the trade, it was much wished for by them, he would just mention, that a memorial had been forwarded to him, signed by no fewer than seventy persons, in support of the plan which the present clause was intended to carry into effect. The deputation which he received on the subject assured him, that if a clause of that nature were proposed by Government, and adopted by Parliament, it would give satisfaction, and be productive of the best effects upon trade. In the last year a clause was introduced to enable the East-India Company to receive in their warehouses, to manage, and to sell the property of private individuals till their assets could be wound up. It had been suggested to continue this system by permitting the warehouses of the Company to remain as dépôts for bonded goods, allowing that privilege to attach to the premises into whatever hands they might pass by sale or otherwise. It was urged by the memorialists, of whom he had just been speaking, that it would be an object of great importance to the trade to enjoy the temporary use of those buildings, for amongst many of them there existed a strong prejudice against waterside houses; and even supposing that prejudice ill-founded, he did not apprehend that evil could ensue from yielding to it. On the other hand, should it prove well founded, the Government that refused to listen to the representations of the trade would incur the responsibility of placing a large amount of property in considerable danger. By adopting the course which he recommended, the advisers of the Crown and the Parliament would shift the responsibility from themselves.

Sir *John Rae Reid* approved of the clause, declared it in his opinion to be of great consequence to the trade, and affirmed that many Members of the commercial body felt exceedingly thankful to the right hon. Gentleman opposite for having proposed the clause.

Mr. Alderman *Thompson* desired to know why his Majesty's Government did not at once sell those warehouses; they were anything but profitable to the Government, and he must be allowed to add, that individual owners of warehouses could not compete with the Executive of the country in a speculation of that nature, the more especially when those by whom it was carried on were content to lose. Upon the whole, therefore, it was both unfair and unwise in the Crown to have had anything to do with those warehouses.

The Clause was agreed to, and the Bill passed.

SALE OF BEER ACT AMENDMENT.] On the question of the third reading of the Sale of Beer Act Amendment Bill,

Lord *Althorp* stated, that he meant to move Amendments to several parts of the Bill, the object of which was to enable Magistrates to permit the keeping open beer-houses at any hours they might think expedient, not earlier than four o'clock in the morning, nor later than eleven at night. This he did on the grounds stated by him when the Bill was last before the House. He also moved several verbal Amendments.

Mr. *Thomas Attwood* approved of the Amendments which the noble Lord intended to propose, and thought that they would give satisfaction to the country.

The Bill was read a third time.

Lord *Althorp* moved, that the two clauses which he had described should be added to the Bill.

Mr. *George Wood* moved an Amendment, to the effect that no house should be licensed to sell beer in cities and boroughs sending two Members to Parliament which was not rated to the poor-rate at 10*l.* a-year, and the rates on which should not be fully paid up. The object of the Amendment was to throw the beer trade into the hands of respectable persons.

Mr. *Warburton* would oppose the Amendment as unjust and iniquitous. It ought not to have been brought forward without notice.

Mr. *Tennyson* supported the Amendment. It quite met his views, and would prevent him from proposing certain clauses which he thought ought to be added to the Bill.

Mr. *Thomas Attwood* said, that the Amendment was another attempt to make the condition of the poor one of increased hardship. Why make this a question of money instead of character? Was it not sufficient to have a certificate of honesty in favour of the man who wished to sell beer, but you must also invest him with the character of "respectability?" Did "the Reformed House" mean to declare that the power to pay a certain amount of rent was the test of respectability? He would advise them rather to believe in the existence of virtue in the midst of poverty; if they did not, they would teach a terrible lesson to the people. He knew men whom money could not purchase, who lived in 30*s.* houses.

Mr. *John Stanley* supported the Amendment, which he thought would furnish a test of character.

Mr. *Potter* opposed the Amendment. The hon. Member for Lancashire had not treated the House courteously in proposing it without notice.

Mr. *Aglionby* strongly condemned the Amendment, and called upon the noble Chancellor of the Exchequer to come forward and declare his opinion with respect to it.

Lord *Althorp* said, he thought some test was necessary, and would vote for the Amendment, if pressed to a division.

Sir *Henry Willoughby* opposed the Amendment as unnecessary, as against the principle of the Bill and as effecting a change in it of which no fair notice had been given.

Mr. *George Wood* would allow the clause to be altered so as to let it be the value and not the rating of the house. He would also consent to its not coming into operation till April, 1836. The clause would then stand thus:—"That from and after the 5th of April, 1836, no license should be granted for the sale of beer, ale, cider, or perry to the occupant of any house in London or Westminster, or within the bills of mortality, or in certain cities, towns, or boroughs, unless such house were of the value of 10*l.*"

The House divided—Ayes 35; Noes 24: Majority 11.

Clause agreed to, and the Bill passed.

List of the AYES.

Althorp, Lord
Astley, Sir Jacob
Baines, E.
Barnard, G.
Barry, G. S.
Berkeley, Hon. C.
Buckingham, J. S.
Byng, Captain
Cripps, J.
Hay, Colonel L.
Hoskins, K.
Hurst, R. H.
Littleton, Rt. Hon. E.
Lynch, A. H.
Mangles, J.
Marjoribanks, S.
Maxwell, J.
Mullins, F. W.
Pelham, Hon. C. A.
Perceval, Colonel
Perrin, Sergeant
Peter, W.
Pinney, W.
Poyntz, W. S.
Sandon, Lord
Shaw, F.
Shepherd, T.
Stanley, E. J.
Stowell, Colonel
Tennyson, Rt Hon. C.
Thompson, Alderman
Tower, C. T.
Troubridge, Sir T.
White, S.
Young, G. F.

TELLERS.

Philips, Mark
Wood, G. W.

List of the NOES.

Attwood, T.
Baring, Francis
Blamire, W.
Childers, W.
Ellis, Wynn
Ewart, W.
Faithfull, G.
Gronow, Captain
Humphery, J.
Labouchere, H.
Langdale, Hon. C. M.
Lefevre, C. S.
Methuen, P.
Oliphant, J.
O'Reilly, W.
Palmer, C. F.
Potter, R.
Pryme, G.
Scholefield, J.
Smith, Vernon
Todd, Ruddell
Wedgwood, J.
Willoughby, Sir H.
Wood, Charles

TELLERS.

Aglionby, H. A.
Warburton, H.

OPENING OF THE CORONER'S COURT.] Mr. Cripps moved, that the House agree to the Lords' Amendments on the County Coroners' Bill.

Mr. *Warburton* hoped that one of the Amendments made by their Lordships would not be agreed to. The House of Commons, in passing this Bill, inserted a clause, enacting that the Coroner's Court should be an open Court. In the House of Lords that clause had been struck out, upon a statement that the present state of the law was, that the Coroner's Court was an open Court. Great doubts had been entertained upon that point; and in a very celebrated law treatise it had been laid down, that the Coroner's Court was not an open Court. The Attorney and Solicitor General, however, had stated in that House, that the Coroner's Court was an open Court. He should, therefore, move, "that this House disagree from the Lords' Amendment on this subject."

Mr. *Cripps* said, that when he first brought in this Bill he had divided the House against the Amendment of the hon. member for Bridport, which declared these Courts to be open Courts. He had subsequently made inquiries how the Coroners in different parts of the kingdom acted upon this point. He found that they almost universally considered their Court as an open Court. He, therefore, began to consider the Amendment of the hon. member for Bridport right and fair; and on bringing in the Bill in the present Session, he had introduced a clause declaring the Coroner's Court an open Court. The Bill had gone up to the Lords with that clause inserted in it; considerable debate had taken place thereon; and it was then stated by Lord Chief Justice Denman—himself the principal Coroner of England—and also by the Lord Chancellor, that there could be no doubt but it was an open Court. The former Attorney General had also given an opinion in accordance with that of those high legal authorities. The hon. and learned member for Dublin had also maintained the same opinion with great force and at great length. A doubt on the subject had arisen in consequence of an opinion given by Lord Chief Justice Tenterden on the Oldham case. The House of Lords was aware of that opinion; and it considered the opinion of Lord Tenterden as worth more than those which had recently been stated to it. Now, every Coroner who had been examined by the House of Commons' Committee had stated, that he considered his Court an open one; but that he held himself at liberty to dismiss any obnoxious person. The clause was, therefore, struck out by the Lords. He hoped, therefore, that after the investigation which had taken place, the House would agree to the Bill as it now stood.

Mr. *Tennyson* thought it would have been better to make this a declaratory, instead of an enacting clause. It would, no doubt, have been desirable, that the Lords should have retained the clause either as a declaratory or an enacting clause in the Bill; but, under the circumstances, as the House could not of course restore it, they had no other remedy than to ask for a conference with the Lords, and endeavour to induce them to withdraw their amendment, which he hoped they would consent to do. If they did not, the Bill must be lost. He could mention the name of Mr. Farren as a Coroner, who insisted upon his right of admitting or excluding the public according to his discretion.

Mr. *Potter* said, that Mr. Farren, the Coroner, of Rochdale, had for many years exercised the power of excluding the public from his Court. The editor of one of the Manchester newspapers had determined to try the right. He was turned out of the Court, and he brought the question before the King's Bench. It was tried, he believed, before Lord Tenterden; and the Judge ruled, that the Coroner's Court was not an open Court. It was of the utmost importance, therefore, that the point should be settled. He could mention another circumstance of great importance connected with the jurisdiction of Coroner. Mr. Farren, whom he had already alluded to, and another Coroner in Lancashire, were in the habit of sending substitutes to act for them instead of holding inquests themselves. He knew a Coroner in the great town of Manchester to have sent his brother (a publican, the hon. Gentleman was understood to say) to hold an inquest in his place. Thus very inferior persons might be employed to discharge those important functions. Another very striking case would prove the necessity of having the Coroner's Court open. A child was burnt to death at Bury in the course of the spring. The Coroner being sent for, held an inquest, and a verdict of accidental death was returned. The neighbours, however, had some suspicions: an inquiry was set on foot, the body was disinterred, and it was found that the father had destroyed his own child by setting fire in some manner to the clothes in the cradle. From that day to this he absconded. These circumstances showed how important it was, that the Coroner's Court should be an open Court; and he hoped the House, even at the risk of losing the Bill, would restore the clause.

Lord *Althorp* said, he believed there was no real difference of opinion as to the propriety of the Coroner's Court being an open one; and, therefore, he could hardly conceive it possible that the Lords would not agree with that House when it stated its opinion, that this clause ought to be inserted. If he felt that, by agreeing to the Motion to dissent from the Lords' Amendment, the Bill could not be carried, he would not give it his support; but he thought, that the House ought certainly to state to the Lords, that it disagreed with their Amendment, because the case stated by the hon. member for Wigan, of a Coroner who did persevere in excluding the public from his Court, showed that some legislative interference was necessary. Having always supported the principle, that those Courts ought to be open Courts, he thought the best course he could pursue, in order to support that opinion, was to disagree with the Lords' Amendment, because he could not believe that in that case the Lords would insist upon their Amendment. If they did, the question must again come under the consideration of the House.

The Lords' Amendment was rejected; and it was agreed that a conference should be held with the Lords on the subject.

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HOUSE OF LORDS, *Thursday, August* 7, 1834.

MINUTES.] Bills. Read a second time:—Norfolk Island; House of Commons' Offices; Exchequer Bills; County Bridges (Ireland); Pensions (Civil Offices) Act Amendment.—Read a third time:—General Turnpike Act Amendment; Excise Revenue Management; Lancaster Court of Common Pleas.

Petitions presented. By the Duke of WELLINGTON, from Barbadoes, for a larger Share of the Fund granted by Parliament for Compensation to Slave Owners; from Grimstone, against the Poor-Law Amendment Bill; from Farnham, against admitting Dissenters to the Universities.—By the Duke of GLOUCESTER, the Earl of NORTHESK, the Bishop of LONDON, and Lord REDESDALE, from several Places,—for Protection to the Church of England, and against its Separation from the State.—By the Bishop of MEATH, from a Number of Places, for Protection to the Protestant Church of Ireland.

POOR LAWS AMENDMENT.] The Marquess of Lansdown moved the bringing up of the Report of the Poor Laws' Amendment Bill.

The Bishop of *Exeter* gave notice, that he should to-morrow, on the third reading of this Bill, move for the omission of all the clauses which related to bastardy.

Lord *Wharncliffe* was aware, that a strong feeling existed, not only in the House of Commons, but indeed throughout the country generally, respecting the alteration proposed to be made in the law of bastardy. Nevertheless he, for one, must confess, that he approved of the principle of the Bill as it stood, because he believed the best way to get rid of the evil of bastardy would be to throw the whole burthen of the child upon the woman alone, without rendering the putative father liable to contribute towards its support. That was his own opinion; but as both the House of Commons and the country generally had manifested a repugnance to follow in this principle, though recommended by the Poor-law Commissioners, he was afraid if the Legislature were now to pass these clauses as they stood in the Bill, Parliament would, before very long, be called upon to alter the measure in this respect.

The *Lord Chancellor* suggested, that if the noble Baron meant to propose an Amendment, the proper time for doing so would be on the third reading.

Lord *Wharncliffe* said, that it was not his intention to propose any Amendment. He could not come down to the House to-morrow, and that was the reason he had taken the present opportunity to express his sentiments with reference to this part of the Bill. He had carefully looked into the Report, and he certainly was bound to admit, that he could find nothing in it which bore out the recommendation made by the Commissioners. The Commissioners had spoken of Bingham and other parishes in which they said the principle of making the mother support the child was acted upon; but he was satisfied a reference to the practice of these parishes would show, not only that the statement was incorrect, but that the Bastardy Laws were enforced against the putative father whenever the child became chargeable; care only being taken, that the mother derived no advantage from the money contributed by him. It would, therefore, appear that when the present laws were properly administered, they were not so productive of evil as was said; and that being the case, their Lordships should pause a little before they agreed to an alteration which certainly would introduce a new principle into the laws of this country. He entirely agreed, that the annuity system, that was, increasing a woman's income according to the number of her children, should be done away with; and if any noble Lord should propose a clause having that object in view, he for one should give it his best support; but although he said this, he was at the same time bound to admit, that he went the whole length of the principles asserted in these clauses of the Bill as they now stood. Being, however, unable to attend the House to-morrow, he must leave the whole matter in the hands of their Lordships.

On the Question being put, that the Clause (with the Amendment) for establishing Provident Institutions, be agreed to,

The Duke of *Richmond* objected to the principle of imposing a tax upon the owners and occupiers of land for the maintenance of Provident Institutions. He had no doubt, that such Establishments might be productive of great good, but he could never, for his part, consent to any portion of the poor-rates being applied otherwise than in the maintenance of the poor. The adoption of such a principle would open the door to all the abuses that now existed in respect to the county rate, and he would rather set about reforming the present Provident Institutions than expose the owner and occupier of land to a burthen from which he never could hope to derive any benefit. No principle, he contended, could be more objectionable than that of raising money for the support of the poor, and afterwards converting it to other purposes.

The *Lord Chancellor* admitted, that there was great weight in the objection which his noble friend had made. This clause would undoubtedly introduce into the Bill a new principle, and one which he feared the Commons would not concur in. He therefore would not press the adoption of the clause.

The Bishop of *London* said, that nothing was more common than for parishes to apply sums out of the poor-rates in support of hospitals and other charitable institutions; but, for the reason which the noble and learned Lord had stated, it might not be desirable to retain the clause.

The Clause was omitted.

On the 65th Clause, relating to settlements,

The Duke of *Richmond* proposed, that the words "by apprenticeship," which had been inserted on the Motion of Lord Wynford in the Committee, should be struck out. The noble Duke said, that this was the most objectionable means by which a settlement could be obtained, and led to more litigation than almost any other that he knew of.

Lord *Wharncliffe* hoped, their Lordships would not disturb the clause, but admitted that some other arrangement with respect to settlement should be made.

The *Lord Chancellor* said, that diminishing settlements by servitude went, *pro tanto*, to increase derivative settlements. This was, he admitted, objectionable. It was, however, his intention to devise a plan for making settlement depend upon residence rather than servitude; but then such an alteration would take time, in order that it might be based upon sound and safe principles. In Scotland a residence of, he believed, two or three years conferred the right of settlement upon the pauper, and that arrangement had been found to work well; but whether it would answer in this country was another question. He had considered the practicability of introducing such a change into the present measure; but he was convinced that it could not be done; that to effect it, a little care would be necessary, and therefore he hoped their Lordships would be satisfied with the plan contained in this clause, and accept his assurance, that a measure on the subject of settlement by residence should be framed before the next Session. There was another reason why he did not wish to make any alteration in this clause, and that was, the situation in which the introduction of new matter would place the other House of Parliament. They could have but one vote upon it, and, therefore, the only course they could pursue would be to reject it as they had that day done one of the best amendments that had ever been made in any measure—namely, that which their Lordships had made in the Bribery Bill.

Lord *Wynford* thought, that making a residence of three years or any other period a ground for settlement would introduce an anomaly into the laws of this country, which, whatever might be its advantage in Scotland, would be highly inexpedient in England.

The Duke of *Wellington* said, that when the Bastardy Clauses were under discussion in the Committee many noble Lords expressed themselves anxious to soften the operation of some parts of them. An Amendment had been introduced in the original Bill in the Commons to enable the overseer to make the man pay a part of the expenses of a child if it should become chargeable to the parish. The objection to this Amendment was that in operation it would be liable to many of the objections urged against the present Bastardy-laws. In consequence of this, their Lordships in Committee rejected the clause, but at the same time a general opinion seemed to prevail, that it was objectionable and somewhat harsh to make the woman's parish bear all the expenses of supporting the bastard. Under these circumstances his noble friend (Lord Wharncliffe) gave notice, that he should on a future stage move certain clauses which would provide for this object. His noble friend had that night stated, that he should not persist in his intention of proposing those clauses, as he should not be present to-morrow. Now he (the Duke of Wellington) thought that something should be done to relieve the public mind on the subject, and also because it was the opinion of the House of Commons, as well as of very many of their Lordships, that they ought to do something to soften the extreme harshness of that part of the Bill. Under these circumstances, it was his (the Duke of Wellington's) intention to propose to their Lordships on the third reading to consider whether the three clauses of which his noble friend had given notice, and which had been printed, should not be inserted.

The Earl of *Radnor* hoped, their Lordships would not agree to the clauses, as they would be in their operation much worse than the clause that had been struck out. As for their softening down the hardships of the situation of the woman and relieving her, he denied that they would do anything of the kind, for now by these clauses, if she were able to do so, she would have to support the child; if, however, she were thrown on the parish, then a portion of the expense was to be defrayed by the man. The argument of the noble Duke was therefore fallacious. He was satisfied, that the plan the noble Duke intended to pursue would tend greatly to increase all the evils of the present system. It would give the woman the opportunity of fathering the child upon whom she pleased, and thus lead to the commission of perjury. Again, it was proposed to throw upon her the great disgrace of exposing herself to shame in an open Court by declaring who was the father of the child. It was most objectionable to make a woman proclaim her shame before the Magistrates in Petty Sessions; but by one of the clauses of the noble Baron (Wharncliffe) the woman was to do this in open Court—namely, before the Magistrates at Quarter Sessions. Again, these clauses enabled the Magistrates to send the reputed father of a bastard child to prison if he could not find security to indemnify the parish. In short, those clauses appeared to him to open the door to all the evils of the old system.

Lord *Wharncliffe* was perfectly satisfied that the noble Earl had not read the clauses, or, if he had, he had completely misunderstood them. The only question was whether they would or would not give any relief to the parish when bastard children were thrown on it. It had been stated that, according to the present law, the father and mother of a bastard child could be punished. This, however, was an error. He admitted, that a woman was liable to be sent to the House of Correction as a lewd woman for having a bastard which became chargeable to the parish; but not the man. He thought, that they should not depart from the principle of throwing at least a portion of the charge of maintaining the bastard on the father. The noble Earl said, that a man might be sent to prison if he could not get securities to indemnify the parish, whereas the fact was, that the man was only to be called upon to enter into his own recognizances. The man also was not to be made liable to the expenses on the evidence of the woman alone, but it must be supported by corroborative evidence. Again, if a woman had a second bastard child, she would not be entitled to relief. They gave relief to the woman as regarded the first bastard child in the presumption that there had been seduction; but when a woman had a second bastard, he thought all argument as to seduction was at an end. He considered that the clauses had been sufficiently guarded to get rid of such objections as those made by the noble Earl.

The *Lord Chancellor* suggested, whether it would not be better to take the discussion on these clauses to-morrow, when the question would be brought forward on the Amendment of a right reverend Prelate (the Bishop of Exeter). Indeed, he had told the right reverend Prelate, that there was no chance of going into the discussion of these clauses to-night, and he had in consequence gone away. If the right reverend Prelate's Amendment to strike out all the clauses relative to bastardy were adopted, which he (the Lord Chancellor) hoped was impossible, it would be unnecessary to discuss those clauses; if it were rejected then they could afterwards be debated.

The Report was agreed to.

HOUSE OF COMMONS,

Thursday, August 7, 1834.

MINUTES.] Bills. Read a third time:—Creditors (Scotland); Post Roads' Act Continuance (Ireland); Court of Chancery (Ireland); Cinque Ports Pilots; Fines and Recoveries (Ireland).

Petitions presented. By Mr. LITTLETON, from Dublin, for the Better Licensing of Public Carriages.—By Mr. HERRIES, from Harwich, against any increase in the Duty on Spirit Licenses.—By Lords EBRINGTON and BRUDENELL, and Mr. GOULBURN, from several Places,—for Protection to the Church of England; and by the first, from several Places, against the Separation of Church and State.—By Captain GORDON, from Gariosh and other Places, for Protection to the Church of Scotland.—By Mr. Alderman WOOD, from the Newsvenders of London and Westminster, against Unstamped Papers.—By the same, Col. PERCEVAL, and Mr. JONES, from a Number of Places, for Protection to the Protestant Church of Ireland—By Mr. HAWES, from Peckham, and Mr. HUGHES HUGHES, from Oxford, against Flogging in the Army and Navy.—By Mr. O'CONNELL, from Kilmarnock, against Tithes; from Dublin, for a moderate Tonnage to encourage the Irish Fisheries; from Manchester, for the Repeal of the Taxes on Knowledge.—By Dr. LUSHINGTON, from Hackney, against compelling the Attendance of British Soldiers on Catholic Ceremonies.

FLOGGING IN THE ARMY.] Mr. *Hughes Hughes* was charged to present to the House a Petition, signed by no fewer than 1,648 of the resident inhabitants of Oxford. It stated that the revolting practice of corporeal punishment in the British army and navy, is derogatory to man, and in opposition to the mild spirit of Christianity; and that the case of Hutchinson, whose flesh was lately torn from his back at St. George's Barracks, Charing-cross, amid the noise of drums to drown his piteous cries, would persuade us that we were living in a nation of savages; for none but savages of the most ferocious character could witness unmoved the cruel torture of their fellow man; and it humbly prayed the House to take into its most serious consideration the necessity of immediately abolishing a practice that reflected equal disgrace on the man who received and the nation that awarded such a disreputable, cowardly, unmanly, unfeeling, brutal, inhuman, and bloody mode of punishment, or ultimately the blood-stained lash must cease to be used amid the execrations of an enlightened and indignant people. A letter accompanied the petition, signed by five of the individuals who had promoted its signature, and containing their assurance, "that the expressions of disgust against tearing the living flesh from our fellow-creatures were both loud and deep, as the individuals, in succession, signed their names." In addition to the observations he (Mr. H.) had made on a former day in a debate he had made on the same subject, he would only remark that, if, instead of abhorring the practice of corporeal punishment as much as any one of those of his constituents, who appeared to want words sufficiently strong to express their indignation at its continuance, he were disposed to approve that mode of punishment, he should, nevertheless, say, that a practice which, every time it was had recourse to, called forth the commiseration of the public in favour of the offender, whatever might be his crime, and execration of the officer called upon to adopt it, however high his character (and he believed the Colonel in question to be deservedly esteemed), should at once and for ever be abolished, and another more consonant with public feeling be substituted for it.

Petition to lie on the Table.

CROWN LANDS (IRELAND) MESSAGE FROM HIS MAJESTY.] Lord Althorp brought down the following message from his Majesty:—

"W. R.:—His Majesty acquaints the House of Commons, that, having taken into consideration the present state of reversions or remainders of estates in Ireland vested in the Crown, his Majesty deems it proper that measures may be taken to enable the proprietors of estates in Ireland forfeited by attainder, and where the reversion or remainder is vested in the Crown, to bar such reversion or remainder."

Lord *Althorp*, in rising to move "that an Address be presented to the King in answer to his gracious Message," begged to observe, that the step taken by his Majesty involved a considerable sacrifice on the part of the Crown. He considered it to be an act of great kindness and generosity, and one which would be very advantageous to Ireland. He therefore felt great pleasure in having brought down this message; and in moving that an humble Address be presented to his Majesty, to return the grateful thanks of that House for his Majesty's most gracious Message.

Mr. *O'Connell* felt it his duty to say, that the step taken by his Majesty was not only one of kindness and generosity, but also one of eminent utility to the landed proprietors of Ireland. He could state, from his experience as a professional man, that great difficulty was experienced in making out titles in consequence of the number of reversions vested in the Crown, arising out of a multitude of attainders. The proposed measure would place the landed proprietors of Ireland on the same footing as the landed proprietors of England. It had been anxiously expected, and would be received with gratitude by the landed interest of Ireland.

Mr. *Lynch* said, that the step taken by his Majesty would confer a great boon on Ireland, and thanked the Ministers for having advised it. The power which his Majesty expressed his willingness to give to proprietors of estates in Ireland would enable them to render titles more secure, and remove all obstacles and impediments in the way of the sale of landed property.

Mr. *Shaw* also expressed his gratitude for the concession which his Majesty had been pleased to make to the proprietors of estates in Ireland. It would prove of the greatest benefit to the landed interest of that country.

The Motion for the Address agreed to.

BRIBERY AT ELECTIONS.] The Order of the Day for taking into consideration the Lords' Amendments to the Bribery at Elections Bill having been read,

Lord *John Russell* rose, and said, that the Amendments which had been made by the Lords in this Bill were of so wide and extensive a character as almost to render it entirely a new measure. At the same time, he begged the House to consider the very inconvenient situation in which matters of this kind now stood: whether it was the fault of the House of Commons or Lords he would not pretend to say, but certainly the result was, that, after a very long, expensive, and vexatious inquiry with respect to the boroughs immediately in question, there seemed hardly any chance of arriving at any conclusion in which the two Houses of Parliament would agree. This inconvenience was not new, because he remembered when, some years ago, he carried up a Bill, agreed to by the Commons, to the House of Lords, with respect to Penryn, after a very long examination: their Lordships, taking a different view of the matter from that House, threw out the Bill. Feeling that inconvenience, he was disposed to concur in any proposal by which it was possible to secure an impartial tribunal, by which, neither House objecting, cases of that nature could adequately be tried. The manner in which they (the Commons) proposed to effect this was by the appointment of a Select Committee of impartial men, the evidence before them being taken upon oath, and afterwards sent up to the Lords. That proposal, however, was not assented to by their Lordships; and they had proposed instead of it, a tribunal totally new in its character, consisting of a certain number (five) of their Lordships, and seven members of the House of Commons, who, together, were to form a court to try such matters. When he stated that such a tribunal was altogether new, it was necessary to observe, that a Court of the same character was provided for in an Act of Parliament respecting East-India judicature; but it had neither been constituted nor acted upon. But, although this proposal was so totally new, he did not think there were sufficient objections to the proposal in itself to prevent the House agreeing to make an experiment of such a tribunal. He observed with satisfaction, that the Lords' Amendment in this respect proposed that the Commission constituting the Court should only issue in cases where the House of Commons thought fit to address his Majesty to that effect; so that if it were found, on experiment, that the tribunal was totally unsatisfactory, the House would still maintain its perfect and undiminished right, without addressing his Majesty, to proceed, as formerly, by bill, which might afterwards be sent up to the other House. But while he did not think that a Court constituted as he had described, of seven members of that House and five of the Lords would form a bad or unfair tribunal for the trial of bribery cases, there was another change which had been proposed in the Bill, namely,—that one of the Judges should preside in that Court. Now, he owned that, even admitting some persons of legal knowledge ought to assist the deliberations of such a Court, he should have greatly wished the House of Lords had not chosen one of the Judges of the land for that purpose. So far, however, he thought they might agree to the Amendments of the House of Lords. But there were some proposals contained in the Bill to which he proposed the House should not agree. It was proposed, that the Judge should have the sole power of admitting or rejecting evidence,—a proposal which he thought must have the effect of restricting the inquiries of Parliament within improper limits, and subjecting them to rules to which they had never submitted, and which might prove extremely injurious as far as the prevention of bribery and corruption was concerned; he, therefore, proposed, that they should disagree from that Amendment; and he proposed, instead, that the Court of twelve members should decide on any question as to whether evidence should be received or rejected, and that only in cases of an equality of votes the Judge should have the power of determining. There was another proposal with respect to the Judge which he thought highly objectionable, namely,—that the Court of twelve members having come to a species of finding, the Judge should declare whether or not he was satisfied with it. He did not think that members of the highest judicial tribunals in the kingdom should be subjected to the remarks of the Judge, provided he were not satisfied with their finding. But he had a still stronger objection to that proposal. With respect to themselves, whether members of that or the other House of Parliament, acting with respect to political affairs, it was to be expected that they must submit to whatever censures or imputations might be thrown upon them by public opinion or the Press for the course of conduct which they might pursue; and it was quite fair that they should be subject to that censure; but he should very much dread the case of a Judge, who usually kept himself free from such imputations, being placed in such a situation, where public opinion should be disposed to impute political bias or partiality of conduct with respect to any of those boroughs which might come under the jurisdiction of the Court. There were some other respects in which the Lords' Amendments ought, as he considered, to be altered. Some of these were merely formal, with respect to the time of sitting and excuses to be allowed by either House of Parliament; but others were more material. The House of Lords had left out, as he conceived purposely, the clause respecting costs, which were to be paid by the Treasury. Now, he thought, if a Select Committee were appointed, the House finding that there was ground for the allegations, and the parties having gone to the expense of inquiry, there being a sufficient case for proceeding against a borough, it would not be right that those who made the complaint should be subject to the further expense of inquiry; and therefore, whenever the Commission should be issued, the expense of prosecuting a petition should be defrayed by the Treasury, in the same manner as the Bill originally proposed with respect to the Committee. There was another Amendment with respect to a clause which, although it had not been altogether introduced, was very much added to—he alluded to the inquiries now going on before Parliament with regard to Carrickfergus, Liverpool, and Stafford. The clause to which he alluded only mentioned inquiries with respect to bribery at the last election. Now he thought that there should be no inquiry, unless a ground for it were made with reference to the last election; but an inquiry having been granted, it should, he thought, be allowed to extend further back. The House would clearly understand the ground upon which he put this, when he referred to the gross, notorious, and scandalous corruption which had taken place at former elections in Liverpool, and which they would agree with him in thinking should be comprised within the jurisdiction of the Court. He had therefore to propose, that instead of limiting the inquiry to the last election, it should be extended to the last and previous elections. He certainly felt the difficulty that there was in proposing that the House should agree to such extensive alterations; but at the same time he felt seriously the evils and inconvenience of the present state of things with respect to inquiries as to boroughs charged with bribery and corruption; and the public either did now, or very soon would, feel, how unjust it was to impose on men the burthen of extensive inquiries without leading to any useful or good result; it was for that reason that he wished the House to try the experiment of this Court; it being still within the power of the House of Commons, by refraining from addressing the Crown, and leaving the whole commission aside, either to proceed in the former method, or propose some new Bill for the purpose of trying any particular case. He really believed, however, that those Amendments had been made in a spirit of fairness, with the view, if possible, of obtaining some tribunal in which all parties should agree, and avoiding that conflict which manifestly subsisted between the manner of receiving evidence in the two Houses of Parliament; that which obtained in the House of Commons being by some considered too slight and hasty, and their Lordships' practice in that respect being thought by them (the Commons) a great deal too restricted and uselessly protracted. He regretted much that the House should be called upon at that late period of the Session to deal with so important a subject, but upon the whole he thought it as well that they should proceed to the further consideration of the Lords' Amendments to this Bill. The noble Lord concluded by moving that the Amendments be read a first time.

Mr. *Warburton* agreed with the noble Lord in thinking that the Amendments made in this Bill were perfectly new, and it was perfectly necessary that they should have an opportunity of solemnly and deliberately considering them. It was clear, that if any justice was to be done to the public, if an opportunity was to be afforded of disfranchising a borough in which bribery prevailed, some new mode of conducting the process had become absolutely necessary. He considered, however, if those Amendments were agreed to, they must abandon not only all hope, but the very possibility of succeeding in such an attempt. He hoped, therefore, the noble Lord would not press the Motion at the present period of the Session. They could not consider deliberately the propositions which had been brought forward without going into Committee, and going through all the stages of a new measure. He would, therefore, with the noble Lord's leave, move that the Amendments be taken into further consideration that day six months.

Mr. *O'Connell* seconded the Amendment. At so late a period of the Session it was utterly impossible duly to consider so extensive a change in one of the most important constitutional tribunals of the country. It appeared to him to be extremely objectionable to allow the House of Lords to have anything to do in the first instance with the determination of what cases of alleged bribery in the election of Members of the House of Commons should be proceeded with. That decision should be exclusively retained by the House of Commons, and no communication upon the subject ought to be made to the other House until that House had arrived at a judgment upon the point. They ought no more to allow the House of Lords to have anything to do with originating a measure referring to the election of a member of the House of Commons, than they would allow the House of Lords to have anything to do with originating a pecuniary measure. He did not think that the tribunal proposed by the House of Lords was a good one. The proposition went to suppose that seven Members of the House of Commons, and five Members of the Lords could act together cordially on such a subject. Now, recollecting the proceedings on the Reform Bill, and recollecting the efforts which were then made, and made ineffectually, to get rid of the intermeddling of Peers at the elections of members of the House of Commons, he was at a loss to understand the kind of logic which would admit Peers to be members of a Court in the first instance to sit upon such subjects. At any rate it was a point of great importance, and ought to stand over until it could be deliberately considered. To the appointment of the judge of one of the Courts of Record to preside over the proposed tribunal, he had a great objection. He did not wish to see a Judge mingling legislative with his judicial functions. And with respect to evidence, a Judge would have his legal notions constantly outraged by having that kind of evidence brought before him to prove cases of bribery at elections which he would not listen to in one of the Courts of Westminster Hall. When it was also considered that a Judge so placed would have to enter into all the bustle and turbulence of a Committee-room, and would be subjected to the influence of all the bad passions of a contested election, he put it to the House whether it would be right to drag the pure ermine of the judicial robe through so much filth? They were now in the month of August; it would be much better to wait till February; and the noble Lord might then come forward with some matured proposition on the subject. If such a tribunal as that proposed by the House of Lords were established, it might prove wholly inoperative. By Mr. Pitt's India Bill a similar tribunal was instituted for the trial of offenders in India. That tribunal had existed for above forty years, during which time there had certainly been many offenders, but not a single trial by that tribunal had taken place. He hoped, therefore, the noble Lord would relinquish all further proceedings this Session.

Mr. *Hardy* thought it would really be a matter of much importance to get rid of the long, tedious, and expensive investigations before the other House of Parliament antecedently to the disfranchisement of any borough. In his opinion, the suggestion which had been made, that so far as evidence was concerned, the decisions of the Legislature ought to be founded upon the Report of a Jury composed of five Peers and seven Commoners assisted by a Judge, was a suggestion well worthy the serious consideration of the House. After the best reflection which he could bestow upon the subject, he felt disposed to support the Amendment, and hoped that the noble Lord opposite would not press the Bill.

Lord *John Russell* did not conceive that the objection to the Bill founded upon the length and general character of the investigations before the Lords was at all conclusive against the measure. Hon. Members must be aware that no Bill could be passed without an inquiry if the Lords insisted upon it, and he did not see how that practice could be done away with. However, he believed the feeling then prevailing in that House was adverse to such a measure, that they were not prepared for so great a change, whatever might be its merits or demerits; for the present, therefore, he would not press forward the Bill.

The Amendment was negatived.

Consideration of the Lords' Amendment postponed for six months.

Roman Catholic Marriages.] Mr. Langdale moved the third reading of the Roman Catholic Marriages Bill.

Lord *Althorp* said, that he had no objection to the principle of the Bill so far as it went; but he thought it inexpedient to introduce a Bill for the Relief of a certain portion of Dissenters from the Established Church to the exclusion of others. He could assure the House, that it was the intention of his Majesty's Government to introduce as early as possible in the next Session a measure of relief for Dissenters generally, with respect to marriages and other grievances under which they laboured.

Mr. *Hume* said, that after what had fallen from the noble Lord opposite as to the determination of the Government to relieve the Dissenters generally, and to place all upon an equal footing, he hoped the hon. member for Beverley would consent to postpone his measure for the present Session. He was quite sure that the statements just made by the noble Lord would prove most satisfactory to the country in general.

Mr. *Wilks* thought, that though the grievances under which the Dissenters laboured were severely felt, those of the Roman Catholics were of a pressing nature. As the law now stood, every Roman Catholic marriage contracted in England, unless legalized by a Protestant marriage also, was null; and the children, the fruit of that marriage, would be bastardized and unable to inherit property. Nay, more, under the new law the mother could be compelled to support the children. He hoped, therefore, that the hon. Gentleman would press the measure during the present Session.

Mr. *O'Connell* thought it of the utmost importance that the feelings of the Roman Catholics should be set at rest on this question. As far as the measure regarded the Irish Roman Catholics, he thought it of importance. In their own country they could be married by the Catholic priest, and the marriage was legal. In England they wished to be married in the same way; but no persuasion could induce them to legalize the marriage by calling in the aid of a Protestant clergyman. Thus a married woman, however respectable, and who had never done anything to violate the laws of society, might, at the end of eight or ten years, if her husband thought proper to select a younger or more pleasing partner, be left upon the parish with eight or ten children, the whole of whom would be bastardized. As far as the measure might affect Ireland herself, he did not think it would be satisfactory; and it contained provisions which the Irish people would not submit to. He hoped, therefore, that his hon. friend would not press the measure further during the present Session.

Dr. *Lushington* said, it was in the power of the Roman Catholics themselves, to prevent the evil arising from their marriages in this way—let the Roman Catholic clergyman, for the next six months, refuse to celebrate any marriage between Roman Catholics, unless they produced to him a certificate of the marriage having been legalized by the act of the Protestant clergyman.

Mr. *O'Connell*. The Catholic clergyman could not do any such thing; he dared not do it; he dared not oppose any impediment.

Dr. *Lushington* begged pardon; he was not aware of the clerical objection which existed. He therefore would join with the hon. and learned Gentleman in begging that the measure might be postponed for the present.

Mr. *Langdale* said, that after the appeal which had been made to him by the noble Lord, whose opinions he felt always bound to respect, he trusted the House would pardon him, while he made a few observations as to the motives which had induced him to bring in this Bill. The fact was, that he had undertaken it with the greatest repugnance, feeling that an individual so humble as himself was unfit to take charge of a measure of such importance. But when the House considered the pressing nature of the case, when they reflected that a dozen cases likely to cause bastardy occurred in a single day, they would, he was sure, see, that he had a right to persevere in the measure. It had been made a charge against him, that he was pressing this meaasure through the House against the wishes of the Roman Catholic clergy; but those who knew anything of him would acquit him of such a charge. He had the highest respect and honour for that body, and would be sorry to do anything contrary to their wishes or feelings. On the contrary, the moment the Bill was introduced, he sent copies of it to the two Roman Catholic Bishops, to all the leading Roman Catholic clergy, and to other persons whom he conceived felt an interest in the question: and although it was true that some objections had been raised on certain points, yet upon the general principle, he had the concurrence of the whole body. If he were allowed to indulge in his own opinion, he would say, that the carrying of this Bill would facilitate the more general measure of relief for Dissenters, contemplated by the noble Lord in the next Session. Under all the circumstances of the case, he would leave it to the House to decide whether he ought to abandon the Bill, or to proceed with it.

Mr. *Tennyson* said, that in acceding to the wishes of the House, no blame could attach to the hon. Member, who had, with great zeal and talent, urged it forward to its present stage.

Mr. *Langdale* said, that under these circumstances, and after the promise of the noble Chancellor of the Exchequer, he would withdraw the Bill.

Mr. *Philip Howard*, in consequence of what had fallen from the noble Lord, concurred in recommending the withdrawal of the Bill. It would be open to his hon. friend to introduce the measure next Session, should any Bill brought in by the noble Lord not come up to the wishes of his hon. friend.

Bill withdrawn.

THE CINQUE PORTS' PILOT.] On the Motion that this Bill be read a third time,

Mr. *Hume* said, that in a country so eminently naval, the question of the pilot duties and dues should be placed under one general system.

Mr. *Ewart* concurred in the opinion of the hon. Member, and hoped that before next Session of Parliament some general plan would be devised for the regulation of this matter.

Mr. *Herries* said, that if any change took place upon this subject it should originate with the Government; above all things no sacrifices should be made to any particular interest. Looking at the Bill as it stood, it could not answer the object proposed by the gallant Member. It was an imperfect piece of legislation, and as such it was objectionable.

Sir *Thomas Troubridge* said, his object was to facilitate the putting pilots on board homeward-bound ships at Dungeness. He had consulted the Admiralty, the Trinity House, and other bodies interested in the subject, and this Bill had their entire sanction. In short, he should not be doing his duty if he did not advocate the interests of the boatmen of Deal, as well as the safety of the shipping interest.

Mr. *Halcombe* opposed the Bill, as likely to be ruinous to the boatmen of Deal and Dover, and moved, that the Bill be read a third time that day six months.

The Amendment was not seconded, and the Bill was read a third time, and with some additional clauses was passed.

SESSIONAL ADDRESSES—NEW HOUSE OF COMMONS.] On the Motion of Lord Althorp the House resolved itself into a Committee on the Sessional Addresses.

The first grant proposed was 1,200*l.* to Mr. Bernal as Chairman of Ways and Means.

Mr. *Hume* did not mean to offer any opposition to the grant, but he would avail himself of the opportunity to repeat his opinions upon the necessity of finding further accommodation for Members in that House. He complained of the dreadful manner in which hon. Members were crowded together on nights of interesting debates, and of the pestilential air which prevailed in the neighbourhood where he sat. Indeed, he was almost poisoned by it. It was hard to see barracks erecting here, and buildings there, and yet no fit edifice prepared for the accommodation of the Representatives of the people. Much of the disturbance and confusion which took place in the House, and which impeded the progress of public business, arose from the impatience of hon. Gentlemen who found it absolutely impossible to hear what occurred in the course of the debate. If the noble Lord would only change his position in the House and sit a few yards further down, he would find, that he would not be able to hear much of what was spoken in the upper part of the House. He thought that a fit House should be built forthwith, because the change in the constitution of the House which had been effected by the Reform Bill had caused many more Members to attend to the debates than were usually present in former Parliaments.

Lord *Althorp* said, that the subject which his hon. friend, the member for Middlesex, had brought forward, was one to which Government would feel bound to give its attention, if it were found to be the general wish of the House. He thought, however, that it was not right to discuss such a question, except when a large number of Members were in town and able to take part in the discussion. It was certainly desirable that the business of the House should be carried on in the way that was most agreeable to hon. Members. He admitted, that when there was a full attendance of Members much inconvenience was felt; but they were bound to look at the ordinary attendance, and if they did so, they would find that little or rather no inconvenience was the result. If the House were larger than at present, it would, in his opinion, be more inconvenient, for then they would suffer quite as much from cold as they did now from heat. The question certainly required consideration. He thought that even the hon. member for Middlesex would not deny that the attendance for the last three or four weeks had not been such as to render any alteration necessary.

Colonel *Davies* concurred in the suggestion of the hon. member for Middlesex. There was not sufficient room for the accommodation of Members in the House. They could neither sit nor stand, and when so great numbers were present not one-half could hear the debate. He hoped, therefore, that the Ministers would take the subject into their serious consideration.

Mr. *Warburton* said, that the seats in the House were so inconvenient and irksome that hon. Members could not sit upon them night after night without serious injury to their health. There were various reasons why the noble Lord ought to take into consideration the necessity of building a new House on a site where there might be a sufficient access of fresh air from all sides to keep it thoroughly ventilated.

Mr. *Benett* was surprised at finding hon. Gentlemen who were generally staunch friends of economy so eager to put the country to the expense of building a new House of Commons. The seats could not be very inconvenient, as he had seen in the course of his experience many Gentlemen sleeping very comfortably upon them. He was afraid, that if they were rendered less irksome, the only result would be that, what with easy seats and dullish speeches, the propensity of Members to sleep would be still further promoted.

Mr. *Ewart* was certain, that in building a new and convenient place for their meeting the House would have the glad assent of the constituent body. There was another reform which he thought still more necessary; the House ought not to keep hours which appeared a paradox to all men of business.

Mr. *Ward* said, that on a former occasion, when the hon. member for Middlesex had brought forward a distinct Motion on this subject, he voted against it because he thought it premature. But if the same Motion were brought forward in another Session, he should be inclined to support it, and he had no doubt, from the change which had taken place in the opinions of other Members also, that a different result from the last would be then produced.

Mr. *Goulburn* merely rose to express his dissent from the suggestion of Mr. Hume, in order that the noble Lord might not be induced erroneously to suppose that the call for a new House was unanimous. At a proper season he could urge many reasons, and strong reasons too, why the noble Lord should not embark in the task of building a new House of Commons.

Mr. *Lennard* supported the proposition of Mr. Hume, and said, that he had introduced many foreigners into the body of the House, who had all concurred in deprecating the inconvenience to which the crowded state of the Benches nightly exposed hon. Members.

Mr. *Hawes* expressed a hope that, if a new House were not built, some improvements would be made immediately in the construction of the present House.

Mr. *Hume* was surprised at the taunt which the hon. member for Wiltshire had cast upon him, for that hon. Member had long supported all measures of economy as well as he had, and might, therefore, suppose that he (Mr. Hume) would not be desirous of putting the people to the expense of building a new House of Commons unless it were absolutely necessary. He was convinced that the money so expended would be well laid out, and he had never objected to any grant of public money which was well laid out.

Mr. *Benett* did not intend to throw any taunts on the hon. member for Middlesex; but he would not consent to the destruction of the House on account of the associations connected with it. When Gentlemen complained of their health being affected by it, he must say, that it appeared to him that it was not the shop, but the work that was done in the shop, that acted injuriously on their constitutions.

Grant agreed to. The House resumed.

CAPITAL PUNISHMENT.] Mr. *Ewart* rose to call the attention of the House to the Amendments made by the Lords in the Bill which had been sent up from this House. The Bill, as originally brought in, consisted of three parts. Capital Punishment was repealed by it; first, for letter stealing; next, for returning from transportation; and thirdly, for constructive burglary. At an advanced stage of the Bill the Attorney General obtained the rejection of that part which repealed the punishment of death for constructive burglary, and when it went up to the Lords they expunged that part which repealed capital punishment for letter-stealing. Now the latter provision was the most important part of the Bill, for no execution had taken place for returning from transportation for seven years; and his only object in introducing a provision on that subject had been to make the enactments accordant with the practice of the law. It would be perfectly illusory to pass a law of this kind, and he thought the House would best consult its dignity and its consistency by not passing the Bill in its present shape. However, he would be guided by the wish of the House.

Mr. *Lennard* concurred with his hon. friend, that it would be advisable, altered and mutilated as the Bill now was, that the House should altogether reject it. The measure was completely spoiled by the other House; and those who had thus spoiled it ought to bear all the responsibility. He trusted that, as that House had so strongly expressed itself against the punishment of death, in one of the cases in which the Lords had retained the capital penalty, that capital penalty would not in those cases be enforced. It was only four years ago that the present Lord Chancellor, then Mr. Brougham, had, in the case of Sir James Mackintosh's Bill for doing away with the punishment of death for forgery, expressed the same opinion. "If, he said, the law, as it still stood, had little weight in public estimation before, then in what light was it likely to be looked on henceforward? If men's feelings rebelled against it before, would not their opinions and prepossessions be for ever rooted and confirmed by such a division of the House of Commons? Would it not operate practically on prosecutors, on witnesses, on jurors—aye, and on Judges themselves? Not six months ago had a Judge declared to him, in reference to the probable change of the law as it regarded this offence (forgery), that sitting as Judge he could not think of leaving a man for execution at a time when Parliament was engaged in a deliberation, the result of which might be, that his blood would be the last which should ever be shed for the crime of forgery." Before sitting down he could not help adverting to certain observations which had been lately made by a learned Judge, when on the judicial bench in Devonshire, with respect to this Bill. That learned Judge, to whom he referred, had on that occasion spoken in terms of strong condemnation of this Bill, and some other Bills that were before the House. He was disposed to regard all that came from so high a quarter with the respect which it merited, but he must observe, that the judgment seat was not the proper place to discuss the merits of a pending Act. It was the duty of a Judge to confine himself to administering the existing law. *Jus dicere, non jus dare* was the province of every Judge. He protested against the observations of the Judge to whom he alluded being drawn into a precedent, though he might have been pleased to see the observations of that learned person, had they been conveyed to those interested in the Bills in a different manner.

Lord *Althorp* said, the state of the question was this. The House had passed a Bill taking away the punishment of death in two cases, but the Lords had returned the Bill taking away capital punishment only in one case, in which, as the hon. Gentleman very properly said, it was very rarely inflicted. Undoubtedly it would be a great advantage to make the enactments of the law as nearly in accordance with the practice as possible. If a Bill had been brought in simply taking away the punishment of death for returning from transportation, he should have supported it, because it would have been accommodating the law to the practice. Now the question was, would the House reject this Bill because other provisions which they thought desirable had not been passed? It might be a great disappointment to Gentlemen who attached more value to those other provisions, and he would admit that they might be the most important provisions of the Bill; but he did not think that the House ought to reject that which was good because it could not get better. He hoped, therefore, that the House would not, on this ground at least, reject the Bill. His hon. friend behind him (Mr. Lennard) seemed to think, that because a Bill had passed one House of Parliament, it was not justifiable to inflict the punishment which it went to repeal. That appeared to him a very dangerous doctrine. As long as a law continued it must be enforced at the discretion of the Crown. He hoped that discretion would never be exercised in any sanguinary manner; and he was sure that his Majesty would always be actuated by the greatest mercy in the execution of the law; but it would be a very dangerous doctrine to contend, because a Bill had passed one branch of the Legislature, that the existing law could not be carried into effect in any case, however extreme.

Mr. *O'Dwyer* thought that this was not a measure of sufficient importance to justify a collision with the House of Lords. There were other measures more important and more popular on which the Lords seemed disposed to prevent the people from exercising their rights.

Lord *John Russell* said, that though he should not have consented to the omission of the clause which had been struck out by the other House in the first instance, yet, as the Bill in its present shape saved the country from the necessity of condemning criminals to death in some cases to which the penalty of death was attached as the law now stood, he was glad to take the Bill as amended, in preference to losing it altogether. With regard to that portion of the Bill which had been left out, he would say, that he thought the punishment of death ought not to be affixed even to that crime. If the most extensive forgeries were not to be punished by death, he could see no reason why stealing a letter should be subject to such a penalty. If the hon. Member should propose a Bill next Session, for the purpose of removing the penalty of death from that crime, it should have its support; but it was not because this Bill did not effect that object, that, containing as it did a provision abolishing the punishment of death in another case, it should therefore be rejected. The time had arrived when some general measure relating to the criminal code was become necessary. In consequence of the exertions of Sir James Mackintosh, the experiment had been tried in reference to some crimes; and, having made that experiment, he thought it time to try it on a general scale, with a view to the relaxation of the criminal code. There was no subject whatever which was more deserving the attention of the House, as the crimes to which capital punishment ought to be applied were very few.

The *Solicitor-General* said, that the greatest inconvenience was felt, owing to the want of one general system. This want of system was owing to particular enactments being passed at different times to meet particular cases. It was far better therefore, to have a general system and a general scale of punishments, which, however, could not be effected by partial legislation. The Bill, as amended, had still the advantage of removing the punishment of death from one offence, and he should therefore support it.

The Lords' Amendments were agreed to.

BOROUGH OF WARWICK.] Lord *John Russell* said, that it was not his intention to occupy the time of the House respecting the Motion which he had to make. It used to be formerly the custom in that House concerning delinquent boroughs to withhold the issuing of writs to them as a punishment to those boroughs. It was not with that view, however, that he brought forward the present motion. But it was with the view of allowing time to prosecute those inquiries which had been begun so that they might be concluded before the writs should be issued. On that ground he meant to propose that the writs should not be issued till after the next Session of Parliament. The House was aware that Bills had been sent up to the Lords concerning Hertford, Carrickfergus, and Warwick. With respect to one of them—the borough of Warwick—a Bill had passed that House, and had been sent up to the House of Lords, which, after some inquiry, had been thrown out by the other House for the present Session. He did not intend to enter into the grounds upon which that Bill had been thrown out in the Upper House, nor into the nature of the evidence that led to that result. It was sufficient for him to state, that 115 witnesses had been examined, and that their evidence filled several hundred folio pages. He had not attended to the evidence that had been laid before either House; but as an hon. Baronet, one of the members for Nottingham, had informed him that he intended to bring forward next Session a measure respecting the borough of Warwick, he considered that, as the Bill had been thrown out elsewhere, time ought to be given to examine the evidence that led to that result before they finally decided upon the question. He thought it, therefore, but reasonable in the House to consent to what he meant to propose, viz., the suspension of the writ to that borough until next Session. He begged to repeat, that he did not move the suspension of that writ by way of punishment, but for the reasons he already stated. He would alter his Motion as it stood on the notice book in order to render it conformable to precedent. The noble Lord then moved separately for each borough, "that no writs be issued before the 20th of February next for the boroughs of Hertford, Carrickfergus, Stafford, and Warwick."

The Motions respecting the boroughs of Hertford and Carrickfergus were agreed to.

On the Motion, that no writ do issue before the 20th of February next for the borough of Warwick,

Mr. *Goulburn* rose and assured the House, that he did not mean to enter largely into the various questions that had been agitated relative to the borough of Warwick. He would confine himself strictly to the question, whether it was or was not fit and proper that a writ should issue for that borough until the time specified in the noble Lord's Motion. He had not one word to say respecting the boroughs of Hertford and Carrickfergus, because they stood on an entirely different footing from the borough of Warwick, and because the House was consequently bound to pursue a very different course as regarded them, and as regarded that latter borough. It was the duty of that House, one which they owed to themselves and to the country, to keep their numbers as complete as possible; and it would be a great evil to the country, as well as to individual electors, that there should be boroughs allowed to remain without returning the usual number of Members they had a right to return. It certainly was the privilege of that House to interfere; but the gravest case alone could justify them in interfering to prevent boroughs from returning Members to serve in Parliament. Did any grave case exist with respect to the borough of Warwick? Did the noble Lord, who brought forward the present motion, state, that any such case did exist? No; the noble Lord made no such statement; he said nothing to induce the House to consent to the Motion be brought forward. If the House sanctioned such a Motion, they would do a great injury to the country: they would show what might be done by a majority of that House when they had certain objects in view. He asked the House, knowing as they did what occurred in the case of Warwick, whether that borough had been disfranchised by a vote of both Houses of the Legislature? It had not; but a vote of that House had passed against it; yet the noble Lord seemed to think that the borough had been disfranchised by the opinion of both Houses of Parliament, for the noble Lord wanted to stop the borough from sending Representatives to Parliament, by making a motion to prevent the issuing of the writ. The Bill passed by them had been sent up to the other House; and no one could impute to their Lordships, that it had not been attentively considered by them. It had been as accurately scrutinized by their Lordships as any measure ever submitted to them. The parties concerned, the complaining parties, had been heard by their Lordships with the greatest patience and attention throughout, and money had been allowed them by Government to enable them to carry on the prosecution. Every means had been afforded them to bring forward the best and fullest evidence. Bills had been passed to indemnify witnesses from the penalties they might render themselves liable to by giving evidence on this question. After hearing a number of witnesses, and, mind, all of them on the side of the prosecution—after a long and patient examination, and without hearing evidence in favour of the borough, their Lordships pronounced, in terms as explicit as possible, that the preamble of the Bill was not proved, and that, according to the evidence (the evidence against the borough alone having been adduced), the Bill could not be carried through. No partiality had been made use of on the occasion. Why, even the proposition for rejecting the Bill came from a noble and learned Lord in the other House to whom it was impossible to impute a want of liberality on such occasions, or a wish of not punishing corruption in boroughs when it was found really to exist in them, or to whom it was impossible to impute a desire of defeating any measure sanctioned in any way by the present Government, since the noble and learned Lord alluded to was a member of that Government. That noble and learned Lord, who sat as a Judge and a Peer in the other House, thought it necessary to declare in both those capacities that there was no ground for passing the Bill alluded to. He would ask the noble Lord, then, whether there were any precedent for denying the right to the borough of Warwick of returning another Member? Was there any ground to deny that right, and could it be proved by referring to the cases of any other boroughs? He could not understand upon what grounds the noble Lord proceeded. The other House said there was no evidence to disfranchise the borough, and acquitted it; but after all this the noble Lord said, the borough had not been acquitted, for that must be meant when the noble Lord proposed that no writ should be issued for it until next Session, in order that another Bill to disfranchise it might be brought in. What was made the rule in 1834 might be made the rule again in 1835, 1836, 1837, 1838; in fine, as long as any hon. Member had any idea of bringing a similar proposition forward respecting the borough of Warwick, and by doing so that borough might be continually deprived of its Representatives. But, suppose that its two Representatives were to be left to the borough, would that render the noble Lord less able next Session to bring forward a measure respecting it? He had heard it stated by hon. Members opposite, that it was good to allow the Representatives of boroughs attacked to remain in that House until the question was decided, in order to give them an opportunity of repelling those attacks, of defending themselves, and of correcting misstatements. He called upon the House to consider the fatal precedent they would establish if they sanctioned the present Motion. Whenever majorities of that House were desirous to get rid of the Representatives of particular places, in order to accomplish particular objects, they would be encouraged by the example set them if this Motion were agreed to. He knew that there had been times when the Crown so interfered in order to get rid of persons that were adverse to its interests, and the time might arrive when there would be parties in that House who had as strong interests as the Crown formerly had to get rid of obnoxious boroughs. Would they by the course pursued that night set an example that might lead to the grossest infringement on the rights of the people—to a great accession of undue power to interested parties? On those grounds, and even though he should stand alone, he would resist the suspension of the writ as moved for by the noble Lord.

Mr. *Poulett Thomson* was not surprised at the course pursued by the right hon. Gentleman, nor at his argument; for he was one of those who had opposed the Bill for the extension of the borough franchise. When, therefore, the right hon. Gentleman spoke of the borough of Warwick having been acquitted, he spoke of it as confirmatory of the opinion he had formerly held. But, having voted for the Bill, he did not consider that, by the rejection of it in the other House, the borough was acquitted. The borough of Warwick had been convicted in this House; and, though it might have been exculpated by the other House, that did not invalidate the judgment of this House,—it did not follow that the other House was right, and this House wrong. It was necessary to reconsider the question; and, for this purpose, time ought to be given, and an opportunity of examining the evidence, and of considering the grounds of the decision of the House of Lords. If this House were called upon to reverse its decision, let it be after fair and due consideration; and let not the House be required in a hurry to set aside its own deliberate judgment. He put it to the House whether such a course of proceeding was befitting its dignity? The House of Lords, on different evidence from that which had been taken in that House, and of which the Commons knew nothing, had come to a different conclusion from the House of Commons, which could not reverse its judgment without examining and considering that evidence. The right hon. Gentleman had said, that the House would act in an unconstitutional way, and unjustly towards the constituency of the country, by depriving any portions of that constituency of their Representatives. But the proposition was, that no writ should issue for this borough till the next Session of Parliament; and what advantage would the constituency lose by having one Member less during the time Parliament was prorogued? Whilst the House was of opinion that the constituency of a certain borough was not in a fit state to return a Member to this House, it was next to a mockery that, with a view to ulterior measures,—for the right hon. Gentleman admitted, that ulterior measures must be had,—a new writ should be sent to a place in this disordered state, in order that it might send a Member to Parliament. He would much rather make up his mind one way or other—either that the borough was in a fit state, or not—than to say, "We will not determine the point: we will have the old Members, and then determine it." He hoped, without prejudging the question, as it would be ridiculous, if the case required consideration, to issue a writ, that the House would consent to the motion of his noble friend, and postpone the issuing of the writ.

Mr. *Hume* concurred in opinion with the right hon. Gentleman who had last spoken, and thought that, without seeing the evidence adduced before the House of Lords, they ought not to undo their former decision upon this Bill. He was not a little surprised at the course pursued by the right hon. member for Cambridge; for the right hon. Gentleman was not often in the habit of manifesting any very strong degree of sympathy for the privileges of the people. It would be unfair to say, that the right hon. Gentleman was interested in the matter; and it might be equally unfair if he were to say, that he had seen an address from a Mr. Edward Goulburn (perhaps not a relative of the right hon. Gentleman), who was burning with anxiety to represent the borough of Warwick. He was only supposing a case, in order to show that different people might have different interests. He thought the best course of proceeding would be that of bringing forward a Motion for the production of the evidence taken before the House of Lords, in order to see if any new facts had been elicited to warrant the rejection of the Bill. If on the perusal it should appear, that the evidence taken before the House of Commons was not to be credited, then, of course, the writs would be suffered to issue. Surely justice and even respect to the House of Lords, as well as to themselves, should induce them to postpone the writs until after they should have had an opportunity of reading the evidence. He trusted the House would support its own decision until then.

Mr. *Rolfe* did not, of course, see that the decision of that House should be put at all upon comparison with that of the Upper House; the latter House did not sit as a House of Appeal from the House of Commons. Both Houses had sat to form their independent decision; but, if they did not concur in their decisions, it was hardly right to deprive the borough of the right to elect their Representatives.

Mr. *Warburton* said, the House was bound to support its own verdict by suspending the writ. It was absurd to suppose that, on the mere authority of the Lords, the Commons would consent to act so absurd, so inconsistent a part, as that required from them by the right hon. Gentleman.

Mr. *Shaw* said, that everybody now knew that the borough of Warwick was not disfranchised. A Bill to that effect had been sent up to the Lords, but had been rejected by them. To make the case stronger, their Lordships threw out the Bill without going into any evidence in favour of the borough. Was the noble Lord prepared to support the opinion, that no writ should ever issue for this borough?—for his Motion went that length. Was sending the Bill up to the Lords, and their rejecting of it, to be treated as a mere mockery by that House? They ought to bring forward some special case to justify this Motion. If, indeed, they could show that the Lords had not had sufficient evidence to form their decision, then would they have some ground for not consenting to that decision. But no such special case was assigned. If the House only considered the effect of this Motion, they would see that it would go to disfranchising the borough altogether. It was quite clear that, if the Motion were agreed to, a majority of that House might next Session agree to a Bill similar to the former, which would be sent up to the other House; and which, if rejected, would lead to a repetition of the present proceeding. In this way the borough would be excluded from returning Members, since its writ would be continually suspended.

Mr. *Thomas Duncombe* thought, that no writ should issue for the borough of Warwick until they saw the evidence upon which the other House had come to the decision. He would vote for the Motion of the noble Lord, because the House was placed in a peculiar situation. Two noble Lords, members of his Majesty's Government, pursued opposite courses on this question. The one, a noble and learned Lord in the other House, said that the Bill ought to be rejected; and the other, the noble Lord who brought forward the present Motion, contended, notwithstanding the decision of his colleague, that no writ should issue for the borough in question. Therefore it was left to the House to decide for themselves; and they ought to do so according to the Report of the Committee. That Report showed, that there was gross bribery practised in Warwick. Nobody could deny that; and he was not aware that anything was proved to prevent the suspension of the writ. He believed that gross bribery prevailed, and he was prepared to support the Report. As reformers, they were bound to carry out their principles, and not allow the writ to be issued until they had secured in the borough of Warwick freedom of election.

Captain *Gordon* said, that it was not constitutional, nor had it been the practice of that House, to examine into the reasons the Lords might have for rejecting a measure; and he did not see anything that required their doing so in the present instance. He hoped the noble Lord would not press his Motion to a division.

Mr. *Halcombe* contended, that the Motion of the noble Lord was a gross violation of the dearest liberties of Englishmen; and he should be surprised if, when it came before the public, the noble Paymaster of the Forces did not fall off in their opinion as a sound defender of their rights. All the ground which the noble Lord had advanced for the Motion was, that a gallant friend of his intended to bring forward another Bill affecting Warwick early next Session: but, even if the writ issued, any measure they thought proper could be brought forward next Session. He had read through the evidence on which they had passed the Bill; and he defied any man to say, that there were more than four clear cases of bribery established besides the cases of the ten men who voted against the candidate who bribed them; and even the four actually guilty were not 10*l.* householders. But this question was to be decided, not upon the merits of the case, but constitutional principles; unless, indeed, the House was prepared to act upon the republican principles,—yes, the democratic and republican principles,—into which the arguments of the hon. members for Middlesex and Bridport resolved themselves. He was anxious to hear the opinions of the Chancellor of the Exchequer upon this question, for he had some reliance upon the constitutional principles on which he guided his party in the House; but he had no confidence in the constitutional principles of the noble Lord, the Paymaster of the Forces, or in the right hon. member for Manchester (Mr. Poulett Thomson). He hoped the noble Lord would oppose the Motion.

Sir *Francis Vincent* did not understand the hon. member for Bridport to contend that they were bound, under all circumstances, to refuse issuing the writ to Warwick; but simply that they should rehear the case [" *No, no!* "]. It came to the same thing: for the Bill, having been rejected, they had to reconsider it. At any rate, they would reconsider it. If, upon examination of further evidence, their opinion remained unchanged, it would be their duty to abide by their former verdict: but if, upon an examination of the evidence, they found reason to alter their opinion, of course they would not be bound to abide by a measure proved to be bad. He had great respect for the hereditary legislators; but he could not allow them to dictate to him what his opinions should be, and oblige him to change them without even seeing the grounds on which he was to do so.

Mr. *Mark Philips* said, that, having conscientiously voted for the Warwick disfranchisement, on what he thought good evidence, he could not at once stultify his former vote, merely because other parties had taken a different view of the case. The House was entitled to have an opportunity of considering the evidence which had induced the Lords to differ with them.

Mr. *Tower* thought it was quite impossible, consistently with their own dignity, to vote for the suspension of the writ.

Sir *George Murray* entreated the House to consider whether they were not about to establish an exceedingly dangerous precedent. The Motion of the noble Lord might take the popular side of the question, but that was a circumstance which ought to put them more upon their guard against it. The question was, whether they were to adopt the result of the argument of the hon. member for Bridport, viz. that the House of Lords should have nothing to say to these questions at all. A decision against issuing the writ, because the House of Lords had not agreed with the House of Commons, would amount to that. If it were wise to make such an alteration in the mode of disposing of election cases, let a proposition be regularly brought forward with that view; but, let them not change the practice in the manner now proposed.

Mr. *Lynch* thought the House had the power of suspending a writ for a time, with a view to examine further evidence.

Mr. *Herries* thought the examination of the case was concluded, unless indeed they meant to establish the doctrine, that no such case should be concluded except as they chose. Although not directly advanced by the noble Lord who made the Motion, that doctrine lurked in the argument he advanced. It might have the support of a majority, but it would not stand the test of common sense. Those who supported that Motion should at least have stated what course it was intended to pursue; but all they had heard upon that head was, that the noble Lord, the Paymaster of the Forces, had had an intimation from a gallant friend that he intended to bring in a Bill upon the subject next Session. Could this mean more than that there was a resolution, by all possible means, to prevent the issuing of the writ? He could not help calling the attention of the House to a short passage in the judgment, for so he might call it, of the Lord Chancellor upon this case, as it appeared by the short-hand writer's notes to have been delivered. After stating very fully all the reasons which should make him wish, as an individual, to see the Bill pass, his Lordship expressed himself to this effect:—" The writ is suspended for the present, although I hope it will not long be suspended; for the House of Commons ought to issue the writ, in order to make its number complete." He agreed with the learned Chancellor, that they ought to make their number complete; and should therefore vote for the issuing of the writ.

Lord *John Russell* said, that, after what had fallen from the two right hon. Gentlemen opposite, he felt bound, in a few words, to restate the grounds on which he rested his Motion. He did not rest it upon general but upon peculiar grounds. The House of Lords had been occupied between eighty and ninety days in taking evidence, which filled a large folio volume, and had decided on the 4th of August that there were not sufficient grounds for them to proceed with this Bill. The question, under these circumstances, was, whether they were, three days afterwards, so near the close of the Session, to preclude themselves from all opportunity of examining this evidence with any view to a useful result. They should reserve their decision till they had an opportunity of seeing what that evidence was. He stated, merely in addition, and not, as had been represented, as the main reason of his Motion, that an hon. and gallant friend, whom illness prevented being in his place, had it in contemplation to propose some measure on the subject early next Session. He had stated this, with a view to show the House, that it would come before them early next Session; but whether his hon. and gallant friend did or did not bring forward his Motion, he thought they ought at the commencement of next Session to have an opportunity of deciding whether they should pursue their inquiries into the Warwick case further. The opinion of the Lord Chancellor had been referred to, but his Lordship had no more right to point out what course they should pursue with respect to the writ than they had to direct the Lords what they should do with the Bill. Allusion had been made to the candidates for the representation of Warwick, but they would not be injured by the delay of the writ till the next Session. They would during the vacation have full opportunity of canvassing the electors, and of making them so well acquainted with their sentiments on the concessions to be made to the Dissenters, and other subjects likely to come under discussion, as to prevent, perhaps, any discrepancy appearing between their professions on the hustings, and their votes in Parliament.

Sir *Henry Willoughby* denied, that further investigation would be precluded by issuing a new writ for the borough of Warwick, or by the presence of a second Member for that borough in the House. He should certainly vote against the noble Lord's Motion.

The House divided on the original Motion: Ayes 67; Noes 18;—Majority 49.

List of the Ayes.

Aglionby, H. A.
Althorp, Lord
Attwood, T.
Baring, F.
Barnard, G.
Barry, S.
Bainbridge, E. T.
Berkeley, C.
Bish, T.
Blake, M.
Blamire, W.
Briggs, R.
Burton, H.
Byng, Sir J.
Callaghan, D.
Chichester, J. P. B.
Codrington, Sir E.
Davies, Col.
Donkin, Sir R.
Duncombe, T.
Ewart, W.
Gordon, R.
Hawes, B.
Hoskins, K.
Howard, P.
Hume, J.
Kemp, T. R.
Labouchere, H.
Langdale, Hon. C.
Lennard, T. B.
Lester, B. L.
Lynch, A. H.
Marjoribanks, S.
M'Leod, R.
Mackenzie, S.
Maxwell, J.
Methuen, P.
Murray, J. A.
O'Dwyer, A. C.
O'Ferrall, M.
Oliphant, L.
O'Reilly, W.
Oswald, J.
Palmerston, Lord
Pelham, Hon. C. A. W.
Pepys, Sir C.
Perrin, Serjeant
Petre, W.
Philips, Mark
Potter, R.
Price, Sir R.
Pryme, G.
Romilly, J.
Russell, Lord J.
Ruthven, E.
Stawell, Colonel
Thomson, Rt. Hon. P.
Tower, C. T.
Troubridge, Sir T.
Tooke, W.
Vincent, Sir F.
Walker, C. A.
Walter, J.
Warburton, H.
Wedgwood, J.
White, Col.
Wood, G. W.

TELLERS.

Elliott, Hon. Capt.
Hay, Col. L.

List of the Noes.

Archdall, M.
Brudenell, Lord
Gordon, Hon. Capt.
Halcombe, J.
Hayes, Sir E.
Herries, Rt. Hon. C. J.
Hotham, Lord
Houldsworth, T.
Irton, S.
Murray, Sir G.
Perceval, Colonel
Philips, C. M.
Rolfe, R. M.
Ross, C.
Stormont, Lord
Tullamore, Lord
Vyvyan, Sir R.
Willoughby, Sir H.

TELLERS.

Goulburn, Rt. Hn. H.
Shaw, Frederick

PAIRED OFF.

FOR	AGAINST
Childers, T. W.	Ashley, Hon. H.

* * *

HOUSE OF LORDS,

Friday, August 8, 1834.

Minutes.] Bills. Read a first time:—Cinque Ports Pilots; Fines and Recoveries (Ireland); Turnpike Act (Ireland, Continuance; Payment of Creditors (Scotland).—Read a second time:—Church Temporalities (Ireland); Courts of Justice Offices (Dublin).—Read a third time:—Justices of the Peace; Roads Act Amendment (Ireland); Fever Hospitals (Ireland); Land Tax Amendment; Assessed Taxes Composition; Militia Ballot Suspension; Militia; Stamp Duties Relief; Menai and Conway Bridges; Dean Forest Boundaries; Insolvent Debtors Act (Ireland) Continuance.

SOUTH AUSTRALIAN COLONY.] The Marquess of *Clanricarde* presented a petition in favour of the South Australian Colony Bill, and expressed a wish that their Lordships would consent to the second reading of the Bill immediately, as it was important that it should be passed in the present Session.

The Marquess of *Salisbury* said, the Bill was one of very considerable importance, and ought not to be passed without due consideration.

Lord *Ellenborough* observed, that he had not had time to examine the Bill minutely, and he therefore could not consent to reading it a second time without notice.

The Marquess of *Clanricarde* said, it was very important to the individuals who were interested in the Bill that it should be forwarded as speedily as possible. He, however, did not wish to take their Lordships by surprise, and he was therefore willing to postpone the second reading till Monday.

The Earl of *Falmouth* was surprised at the omission of a formal notice, and also at their Lordships not being summoned on the second reading of such a Bill as this. Many noble Lords who were then absent were anxious to take a part in the discussion.

Lord *Wynford* said, there were many points connected with this Bill which would require much consideration. He alluded particularly, for one thing, to the manner in which land, of different qualities, was to be disposed of.

The Duke of *Wellington* observed, that if it were absolutely necessary that the Bill should be passed this Session, it certainly was proper that no time should be lost. It was, however, a speculation which called for serious consideration. He strongly objected to grant so large a tract of land as was contemplated by the Bill to any body of speculatists without the right of resumption, if it were, after a time, deemed necessary, on the part of the Crown. He should like to hear what his Majesty's Ministers thought on the subject?

The Marquess of *Lansdown* said, the project had been most anxiously considered by the Colonial Department, and certain objections which were raised by them had been removed.

The Marquess of *Clanricarde* would not have said another word on this occasion, but for the observation which the noble Duke had made on the subject of speculation. Now, he had every reason to believe that the matter had been taken up on the most patriotic and pure motives. The noble Marquess moved, "that the Order of the Day for the second reading be discharged, and that the second reading be fixed for Monday."

The Duke of *Wellington* said, he did not mean by what had fallen from him to cast a reflection on any person, and perhaps he ought rather to have said, 'scheme' than 'speculation.'

Lord *Ellenborough* said, he observed a clause in the Bill providing that the first money which was received should be appropriated to defray the expense of carrying the measure through Parliament. Now, that gave a character to the whole transaction which appeared strange to him. He felt a degree of curiosity, not very unnatural, to know a little more about the plan, before he consented to this measure. He found that all land, good or bad, should be sold at the same price, not less than 12*s.* an acre. It appeared, that 50,000 isolated individuals were to be located on a territory nearly as large as Europe, that they were to pay a certain price for their land, and that they were then to get on as well as they could. Now, if this was admitted to be a part of the newly-framed constitution, he should wish to know something about the other parts of it; and if the noble Marquess, on the second reading, could give them some information with respect to the proposed constitution, it would be extremely gratifying to him, and would, he was certain, gratify the curiosity of all those who took an interest in the matter.

Bill to be read a second time on the en uing Monday.

COUNTY CORONERS' BILL.] The Lord *Chancellor* wished to call their Lordships' attention to a matter of great importance. He alluded to the dissent of the House of Commons from their Lordships' Amendment to the County Coroners' Bill. That dissent affected a most important branch of the measure. If the matter in dispute involved only a minor point, he should be the first person to give way to the reasons of that House, with which he had been so long connected. His opinion on the best consideration which he could give to the subject was, first of all, that the Commons were wrong; and if it were a matter of little consequence he should say, whether their Lordships were right or the Commons were wrong, that it would become them, as men of sense, to abandon the point. But his next opinion was, that the point in question was of such great importance, that their Lordships ought to adhere to their Amendment, and he should briefly state the principle on which that opinion was founded. He was certainly clear in his own mind, that the Commons had not taken a full and ample view of this question. The Amendment related to that part of the Bill which enacted that publicity should be given to the proceedings in the Coroner's Court, the clause concerning which had been expunged by their Lordships. He admitted that, generally speaking, all Courts should be open, and such was the fact in ninety-nine cases out of 100. But cases might arise where it would be prudent to depart from that rule. He alluded to such cases where it came within the scope of possibility that an open hearing might affect and defeat the end of inquiry—namely, the attainment of justice; or cases in which inquiry was likely to expose third parties, who were not directly connected with them. If in all cases open inquiry were allowed, matters might be exposed which public decency ought not to suffer to be revealed. The Court of Chancery, the Court of King's Bench, the Court of Common Pleas, the Consistorial Court, were all open; yet, nevertheless, if cases came on that outraged public decency, no one grumbled, at least no one could fairly complain, if on such occasions the public were excluded. Let their Lordships then look at the Coroner's Court for a moment. The Coroner's Court was not a final court. Its proceedings were inquiring and preliminary. Nothing was decidedly done in that Court. It was the first step towards ulterior proceedings. It was like a Police Court rather than anything else; or, what was called in France, a *procedure d'instruction*. For one reason, however, he more particularly compared it to a Police Court. Police Courts were generally open—a course of examination was entered on—but they decided nothing. Police Courts were, however, sometimes closed; because if they remained open, it might defeat the ends of justice. He wished that he had it in his power to put the question to the Commons in that light. No reasonable man wished to keep Courts unnecessarily shut; and, in the case of the Coroner's Court, such a proceeding was rarely resorted to, and, when resorted to, only for the purpose of attaining the ends of justice. Upon a fair examination of the question, must it not strike every one that this precaution might be at times absolutely necessary for the purposes of justice? Would not an individual who, having been present at an examination, found himself likely to be discovered as a guilty party, would he not, on the moment the examination came to that point, get out of the way? Would he not say, "I know that this examination will lead to another, and a person now mentioned, who knows that I am guilty, will certainly be brought forward," and would he not, under this impression, immediately abscond? Whereas, by concealing the proceedings—by keeping out of view the parties likely to give evidence—the guilty person might think himself in perfect security, and thus fall into the hands of justice. In many instances, if they did not thus proceed, they would never get at the culprit at all. Was it not sufficient to show, that this course was frequently essential to the ends of justice, for the purpose of proving that the Amendment objected to was correct? But the question had long since been decided. It was decided in the case of "Garnett and Ferrand," after having been very fully argued. The judgment of the whole Court of King's Bench (a very strong one at that time) was in favour of the practice. There were then on the Bench Lord Tenterden, Mr. Justice Bayley, his noble and learned friend (Lord Wynford), and Mr. Justice Holroyd—a sound constitutional lawyer—and, he believed, a "pure old Whig." All these learned Judges were of opinion, that the Coroner's was not an open Court. If, then, in consequence of keeping the doors shut on particular occasions, the escape of a man who committed murder was prevented, or was likely to be prevented, he thought that he had, by pointing out this fact, said enough to justify himself in advising their Lordships to adhere to their Amendment. He should therefore move their Lordships to adhere to their Amendment which had been rejected by the Commons; and he should follow up that by another Motion, for the appointment of a Committee to draw up their Lordships' reasons for their dissent; and, finally, for a message desiring a conference with the Commons on the subject.

Lord *Wynford* said, he was one of the Judges of the Court of King's Bench when the decision to which allusion had been made was come to. However friendly he was to opening the different Courts to the public generally, still he was of opinion, that in many cases strangers should be excluded. The keeping secret what passed was often highly advantageous to the interests of justice; and, on the other hand, the greatest possible inconvenience would not unfrequently be the result, if a premature disclosure of evidence were permitted.

The Marquess of *Westminster* differed in opinion from his noble and learned friend on this occasion. The clause now proposed to be omitted was unquestionably a most important one. He did not mean to say, that the law was not exactly as it had been laid down; but certainly there was a strong feeling throughout the country that the doctrine which they had heard was not really the law of the land, and that there was no good reason for keeping the Coroner's Court closed at all. The other House of Parliament was so convinced of the necessity of this clause, that they had returned the Bill to their Lordships in consequence of their having omitted it. He thought it very desirable that the two Houses should, if possible, come to some satisfactory understanding on this subject. Allusion had been made to the fact that the superior Courts were sometimes closed as well as the Coroner's Court. But the individuals who generally presided in Coroner's Courts were persons of very different acquirements from those who presided in the Superior Courts. No comparison could, in fact, be fairly drawn between them. Very great abuse, he would say, the grossest abuses, had taken place in the Coroner's Court. He himself had known instances of gross abuses, of abuse in particular cases, which it was quite horrible to hear of. Let them look at the conduct of the Coroner in the Oldham case. It had created the greatest disgust throughout the country; and yet the same individual was Coroner to this day. He should say, that the man who was the subject of the inquest on that occasion, who was

"——sent to his account,
Unhousell'd, unanointed, unanneal'd.'

had not, in reality, a fair inquest held on him. The whole case was conducted in darkness. He would suggest as some control that when the Courts were closed, a special report should be made by the Coroner, when the case was over, and communicated to the public through the newspapers. He was not surprised the House of Commons should feel sore on the present occasion, when he recollected that every important Bill which had been sent up by them had been rejected by their Lordships. At all events, several important Bills had been rejected —the Jewish Disabilities Bill, the Warwick Bill, and the Dissenters' Admission Bill.

The Duke of *Wellington* said, that the observations of the noble Marquess as to the conduct of their Lordships were quite uncalled for. The House of Lords was an independent House as well as the House of Commons. If their Lordships, after considering a measure, should think proper to reject it, he did not see why the House of Commons should be offended. The three measures to which the noble Marquess had adverted were maturely considered, and on mature consideration rejected. And for one, he most solemnly protested against the doctrines put forth by the noble Marquess.

The Earl of *Falmouth* thought the observations of the noble Marquess were not alone uncalled for, but incorrect. The Bills alluded to, involved principles of vital importance, and their Lordships had a right to deal with them according to their own deliberate judgment.

The *Lord Chancellor* said, the most absurd, and false, and ridiculous comments had been propagated respecting his share in throwing out the Warwick Bill, as though it had been done by him alone, and this for the purpose of making mischief between himself and other parties concerned in the measure; but it would not have any such effect. He in the discharge of his duties, from which he would never shrink, either in consequence of the reprobation of any individual or any set of individuals, or of the House of Commons—he, in the discharge of his duties, summed up the evidence, and stated his conviction, that it was not such as would enable their Lordships to proceed with the Bill. This he did with the concurrence of every noble Lord in the House, and especially of the noble Earl on the opposite Bench. Now this was suppressed—probably not intentionally, though it looked very suspicious, for an argument had been founded on the suppression of this most important fact, that the noble Earl (the Earl of Radnor), who had attended every minute when the evidence was given from the beginning to the end, and who certainly had no disinclination to the Bill, but the contrary, taking charge of it as he did in conjunction with another noble Lord, (Lord Durham) he named the noble Lord that there might not be any confusion, who, by the way, had not attended regularly, but only appeared upon occasion, in consequence of ill-health and from other causes—that noble Earl (the Earl of Radnor) came forward—but this was suppressed—came forward in his usual honest and straightforward manner, and not alone seconded his (the Lord Chancellor's) proposition, but moreover declared that he agreed in every word he (the Lord Chancellor) had said upon the subject; but this was suppressed, for the purpose of stating, that he (the Lord Chancellor), forsooth, had thrown out the Bill to spite Lord Durham, who was one of the oldest and most intimate and most valued of his friends, and with whom in political matters, be it observed, he agreed better than he did with many others. He certainly had not been, and would not be, prevented by this from doing his duty. He had done it with all firmness, but at the same time with all possible respect for the House of Commons. He concurred with the noble Marquess in regretting, that in any new instance he should be compelled to differ from the House of Commons, after those recent differences which their Lordships had with the House of Commons, to which he (the Lord Chancellor) had been no willing party. Still, he must do his duty.

The Duke of *Cumberland* did not recollect that the noble Marquess (the Marquess of Westminster) ever did attend during the examination of witnesses on the Warwick Bill. The noble Marquess should, therefore, have been cautious in expressing an opinion on its merits. He could undertake to say, that seldom had there been a case more fully discussed, and he was convinced there could be but one opinion in the country on the subject, and that was, that justice had been done.

The *Lord Chancellor* would be glad that some regulation was made as to Coroners in distant parts of the country. They were not always, he admitted, the most respectable of men; they frequently were known to carve out work for themselves at the expense of the country, but this was not a question which could be then entertained.

The Motion for adhering to their Lordships' Amendment was agreed to, and a Committee of Conference appointed to communicate the same to their Lordships.

REFORM OF THE CHURCH.] The Marquess of *Tavistock* rose to ask a question on a subject of the very greatest importance. It had been acknowledged, that there were great abuses existing in the Church Establishment. He hoped and trusted his Majesty's Ministers would turn their minds to the timely and necessary reform of those abuses, which was called for by good policy to secure the well being of the Church, for which he begged to say, he entertained the most sincere attachment. He looked especially to see a reformation effected respecting non-residence and pluralities. He was one of those who thought that there could be no greater blessing in a parish than a good resident clergyman exercising, in the spirit of Christian charity, the spiritual and moral duties of his office. He trusted the noble Lord at the head of his Majesty's Government would be able to give some pledge to the effect that, early next Session, he would bring these matters under consideration, in a manner which might satisfy the reasonable expectations of the people. If the noble Lord did not, he feared that the confidence which the public were now disposed to place in his Administration would be considerably diminished. A most reverend Prelate had last Session introduced a Bill on non-residence and pluralities, which did not satisfy the other House of Parliament, and had been rejected accordingly. It was then supposed that the matter would be taken into the hands of Government, but he had not heard of any measure on the subject being in actual progress. He now begged to ask his noble and learned friend (the Lord Chancellor) if it was his intention to proceed with his Bills next Session, having made such modifications and Amendments as they might require.

The *Lord Chancellor* agreed in the

observations of the noble Marquess, whom he regarded as a most steady and attached friend of the Church. He could assure his noble friend that he had no reason to doubt that Government would continue to pursue that course which they had entered upon, and which they had always expressed their anxiety to pursue. He had already stated his reasons for putting off the Bills. He would not enter into them again further than to say, that the great pressure of business in the House, and the circumstance of his having entered into an extensive correspondence with a great number of clergymen, who had made to him a variety of suggestions on the subject, had been amongst the principal causes which had induced him to postpone the measures for a season. Immediately, however, on the meeting of Parliament next Session, he meant to call the attention of their Lordships to the subject once more, and he could only add, that if there were any other practicable reforms suggested, which might produce benefit to the community, without injuring or compromising the safety of the Church, they should have the fullest consideration from himself and his colleagues.

The Duke of *Cumberland* protested against the use by the noble Marquess of the words "great abuses;" they were harsh, especially when it was remembered that the right reverend Bench had expressed their willingness to reform any evils which might have crept into the system. He begged also to remark, that if their Lordships did away with pluralities, they would alter the whole character of the Church Establishment. For his own part, he was of opinion that there ought to be a Church in every parish; but he considered it a matter of little importance whether the duties were discharged by a rector or curate.

The Bishop of *London* admitted, that there was a prevalent desire in the country for an alteration of the Establishment, although there was a great difference as to the extent to which it should be carried. He himself did think that the system would admit of some alteration. It would be little short of miraculous if it were otherwise. He, however, protested against the terms "great abuses." In the popular acceptation of these terms there were no great abuses in the Church of England, and none for which it was in truth blameable. The fact was, that no legal enactment could remove pluralities without destroying the efficiency of the Church in some of its most important branches. Those evils which were styled abuses were not chargeable on the present generation, or indeed on any generation, of the clergymen of the Church of England. They had been inherited from the Papal system, amongst which the existence of lay impropriators was the very worst abuse. No one, he was sure, could have a clearer sense of this fact than the noble Marquess. It would be utterly impossible to do away with pluralities unless a competent provision were secured for the clergyman in every parish, and he saw no way in which this could be effected unless the lay impropriators came forward and contributed their share. This would be a real reform. The Church was not to be blamed for not doing an impossibility. A fresh distribution of the property might, in his opinion, be made to some extent, but he was opposed to a system of equality in that distribution. As for the noble and learned Lord's Bills, he did not think they could pass in their present shape. He would beg, in conclusion, to remark that there was, on the part of the rulers of the Church, and of the majority of the clergy, an earnest desire to give the best consideration to every proposition for the real improvement of the Establishment. They certainly were not prepared to rush headlong into every scheme for alteration which was proposed to them.

The *Lord Chancellor* said, he was perfectly ready most respectfully to consider all suggestions which might be made to him from the right reverend Bench touching the details of the Bills, but he would adhere to their principles. As to the terms "great abuses," neither he nor his noble friend would use them in an offensive sense. They only meant evils which now existed in the Establishment.

Viscount *Melbourne* said, that having been appealed to by the noble Marquess, as well as his noble and learned friend on the Woolsack, to whom the noble Marquess had, in concluding, put his question, he might well be expected to say a few words upon the subject. The noble Marquess had called upon him to pledge himself respecting the course which Government would pursue on the question of Reform in the Church Establishment. He felt there was an inconvenience in giving distinct pledges upon important subjects at a period of time which might, in some degree, be considered distant. The result not unfrequently was, that measures hastily conceived were as hastily brought forward, and this only because they were promised, the course of proceeding being contrary to the conviction in a man's own mind. He had before now declared himself friendly to the Church of England. He repeated that declaration. He reverenced and loved the wise and tolerant spirit of that Church. He was afraid, however, that in the conflict of religious opinions prevailing at this period, there was some danger of losing that spirit of toleration for which the Establishment had been so long and so eminently distinguished. If he were to speak his own opinions, he would say, that he for one was not dissatisfied with the Church as it stood at present. Such practical evils, however, as might exist in it, he would of course, be glad to see quietly reformed. But though not dissatisfied himself, he was aware that dissatisfaction with the present state of the Establishment, and the desire of reformation, prevailed throughout the community. He was aware, that a cry had been raised from the bosom of the Church herself; and when he found that many, not the least distinguished of the Church's rulers, and a great number of her most exemplary and pious pastors, were of opinion, that the subject required the consideration of Parliament and of his Majesty's Ministers, he could not hesitate to declare for himself and his colleagues, in reply to the noble Marquess, that they would give the subject their most serious consideration. And happy was he to learn, that in this they would have the co-operation and assistance of the right reverend Bench, who were not indisposed to remove those evils and grievances which existed, and on whose exertions in this respect he had the most perfect reliance. In answer, then, to the question which had been put, let him in addition to what had been said by his noble friend on the Woolsack state, that the most anxious and serious attention of the Government would be applied to the consideration of such reforms as might remove the evils and grievances which may now exist in the Church Establishment, without impairing the solidity of the fabric itself.

The Bishop of *Derry* remarked, that the most reverend Prelate at the head of the Church had set his face against pluralities; and that since 1828 no encouragement had been given by him to any man to hold two livings.

Lord *Ellenborough* regretted, that no measure had been pressed that session for the commutation of tithes; he was not, however, favourable to either of the measures which had been proposed; but there was no subject more deserving the consideration of the Legislature.

Poor Laws Amendment Bill.] The Lord Chancellor moved, that the Poor-Laws Amendment Bill be read a third time.

Lord *Kenyon* said, that, in his opinion, this measure was one of a most injurious character. He gave credit to those who had proposed the Bill for wishing to introduce a measure that should be attended with beneficial results; but he thought that they had totally failed in that object. They certainly had not produced a Bill that met with the approbation of the people. On the contrary, it was considered out of doors as a measure of extreme harshness and cruelty; and it was properly objected to, as giving to a certain body of men a degree of despotic power such as had never before been known, and for the creation of which there was no justification. The right reverend Prelate opposite had asserted, that the poor were not entitled to the education of their children. [The Bishop of London: "I said no such thing."] He had certainly understood the right reverend Prelate to lay down such a doctrine. Now, he was prepared to deny that doctrine in every possible form. He knew the degree of attention that poor parents paid to the education of their children; and so far as that was concerned, it could not be left to better care than at present. He could say from his own knowledge, that the poor children sent to the school of which he was more particularly able to speak, were treated with every possible degree of care and attention; and when those children should be removed from his care, and taken to the workhouse, where the same degree of attention would not, and could not, be paid to their education, he believed they would suffer injury rather than receive benefit. The people at large thought this measure of separating the children of the poor from their parents to be one of extreme harshness and cruelty; and he could himself say, from his own observation, that the attachment of the poor to their children was the most remarkable feature of their character. It enabled them to bear evils almost incredible, for in every evil they found a consolation in their affection for their children. He was sure, that the Bill was founded in mistake. It was founded from first to last on the principle that, because it may be desirable to do certain things in certain places therefore, the power to do them ought to be extended throughout the kingdom at large. He was sure that this would be found a grievous error; but, in the mean time, the misery it would occasion was extreme; and he believed that when it came to be put into operation, the indignation it would excite was beyond what any man living could believe. He gave the Bill his most decided opposition.

The Bishop of *London* was not about to enter into the general question of the Poor Laws Bill, but to explain away an error into which the noble Baron had fallen. The noble Lord had generalised an observation of his in such a manner as to give it an entirely different effect from that which he (the Bishop of London) had intended, and different, too, he believed, from what it had borne in their Lordships' minds when he uttered it. He had stated not that it was expedient to take away children from their poor parents, but that, generally speaking, the children of paupers would be better educated apart from their parents, than with them. He had not made any such general statement as the noble Lord supposed. With respect to the children of the poor in general, and, perhaps, with respect to paupers' children, it might be true that in schools conducted with that attention which was bestowed by the noble Lord,—an attention that, as the noble Lord was present, he should not attempt to characterise, because the high terms in which he must speak of it would offend his Lordship. It might be true, he said, that in such schools the education the children would receive would be better than under the proposed system; and if he could be convinced that such was the education they everywhere received, that fact might modify his opinion; but that was not the case; and, therefore, he repeated, that when men became paupers it was expedient that their children should be educated apart from their parents, at least if it were intended that their children should be secured all the advantages of education. The noble Lord knew that the best schools were those where the children were taken from their parents and clothed and educated without them. These schools always produced the best servants. He took it for granted that the proposed schools would be conducted as they ought to be when he thus expressed his opinion on the subject.

Lord *Teynham* said, that the Bill was a perfect delusion from beginning to end; and, therefore, he should give it his hearty opposition. He was sure that it could never come into full operation. The people were against it all over the country, and in some places had begun to prepare for maintaining their poor by voluntary subscription. He moved, that the Bill be read a third time that day three months.

Viscount *Strangford* was no advocate for the principle of this Bill; but he was convinced that the voluntary subscription scheme would never be carried into effect.

The Earl of *Falmouth* was aware that the Bill was likely to pass, but he could not withhold himself from again expressing his feelings on the subject. Before this Bill was introduced, great efforts were being made to restore the administration of the Poor-laws to a proper state; and since its introduction those exertions had been redoubled. He wished that some delay had been allowed, as he should have liked to see what would be the effect of those endeavours, before these violent remedies were tried. If an act had been passed strengthening the hands of the Magistrates in the first instance, though the experiment might have failed, this measure might then have been introduced with more general satisfaction. Many Magistrates had expressed themselves willing to administer the Poor-laws as they should be administered, but without an Act of Parliament they could not, in defiance of general custom and long habit, expose themselves to the unpopularity of such a proceeding, nor ought they to be expected to do so. He was sure that many of their Lordships had been influenced to vote in favour of the Bill by an idea that it was necessary to prevent the evils which were generally allowed to exist; but they had been influenced by these considerations a great deal more than the facts of the case would warrant. He was sure that, in doing so, they had acted conscientiously; and he was glad to see a measure of this kind discussed, even in Committee, with so much less party spirit than might have been expected.

The Bishop of *Rochester* said, that, although he did not object to the Bill as a whole, he objected to several of the clauses of it. He objected to the bastardy clauses, and to those clauses which would have the effect of separating a man, his wife, and children from each other.

Lord *Wynford* said, that his opinion of the Bill was unchanged. He believed that it would work great injustice and cruelty, and tend to make property insecure, and that it was opposed to all the principles by which the legislature was accustomed to guide itself.

The House divided on the original motion:—Contents 45; Not contents 15: Majority 30.

The Bishop of *Exeter:* In conformity with the notice given some nights ago, I rise for the purpose of proposing, that the 55th clause of the Poor-Laws Amendment Bill, as one of the clauses affecting the Law of Bastardy, should be removed. The purport of this clause is to make any person who marries a woman, having a bastard child, to be chargeable for the maintenance of that child; but in taking the liberty to make this Motion, I will ask your Lordships' permission not to confine my attention to that clause, but will extend my remarks, generally, to the import of the clauses relating to the subject of bastardy; for although most of what I have to say belongs to a part of the Bill subsequent to this particular provision, yet I apprehend that it will be more convenient to your Lordships that I should confine myself to one address. I can assure your Lordships that my intention, in making this Motion, is anything but of a vexatious kind. I rise, my Lords, to entreat you to take this opportunity of deferring the further consideration of this very important branch of the Bill before you, to another Session of Parliament; and I certainly should not presume to press this Motion upon your Lordships, after the decided opinion expressed by so large a majority of the House in favour of the general principle of the Bill, if I did not consider this branch of it to be perfectly distinct from the rest—and if I did not think that the main business for which the Commissioners are constituted might be equally well carried on, and the great objects of the Bill might equally be effected, whether these clauses be passed this year or not; and if instead of them something else, which, on the whole, would be better adapted to meet the great acknowledged difficulties which beset the subject of bastardy, shall be passed in another year. My Lords, in taking this course, I have the satisfaction of knowing, by a letter which I this morning received from an hon. Member of the other House, upon whose Motion there had been inserted in this Bill the very important clause which your Lordships have since struck out—I mean the member for East Somerset—that I have his concurrence in the course I am now taking. That hon. Gentleman, in the communication which I had the honour of receiving from him, has earnestly entreated that the attempt to defer the bastardy clauses till the next year may be persevered in, not expressing a very especial attachment to what is called his clause, but deeply impressed with the necessity of doing something to prevent the mischief which must result from letting the fathers of bastards escape, as the Bill proposes. He says, that he knows his clause, having that object in view, was most favourably regarded by the other House. Therefore, I apprehend my Lords, that if you suffer this Bill to pass in its present state, you will be sending it down to the House of Commons denuded of a very important part of the provisions which induced that honourable House to send it up to your Lordships; and I may be permitted to remind you of the extreme undesireableness of our now sending to the other House of Parliament any alterations in the Bill, which shall involve a new principle or much of detail. For, as the noble and learned Lord truly said, last night, that honourable House, even as regards time, will not have an opportunity of discussing this new principle, and the new code which would be appended to this principle, in more than one sitting, without the advantage of considering it in Committee, or debating it clause by clause, and of making those alterations in it which their wisdom might dictate in that Committee; and, therefore, it would be most undesirable—especially, I repeat, at so late a period of the Session—to send down such alterations to them, as it would be impossible for them adequately to consider. That which was so well said last night, by the noble and learned Lord, has been ill said to night by me; happily, however, its weight rests on its own obvious importance, and not on the words in which it has been expressed. I am sure your Lordships will see that the observation applies fully to the alterations made in the Bill now before the House; and I should say, that it would apply still further, if those clauses should be introduced, of which notice has been given by a noble Baron now absent, and which it is understood will be moved by the noble Duke in his stead. Those clauses, together with the one which I have felt myself compelled to append to them, if all of them were carried, would introduce a completely new principle and very large details; and I venture again to put it to your Lordships, whether this can well be done at so late a period of the Session? Therefore, my Lords, without entering into the merits of this question at the present moment, I should say, that on all considerations of expediency, in order to secure a fair and dispassionate discussion, it ought to be deferred to another Session; and I have the satisfaction of thinking that there can be no real practical inconvenience in doing so; for what will be the consequence? nothing more than that the present bastardy laws will be suffered to survive some six months longer; but recollect that, in those six months, these bastardy laws will not be permitted to produce the same extent of mischief which I freely admit they have produced in past times; because, my Lords, the administration of these laws will now be under the direction of men of great ability, who have made extensive inquiries on all that relates to the subject; and who have shown, in the Report which they have presented, and the regulations which they have recommended, that they will take care that the Bastardy-laws, as at present existing, shall, under their superintendence, be administered carefully, ably, and effectively. And here I will remind your Lordships that these Bastardy-laws, imperfect as they are, faulty as they are, have yet been found in the main very effectual in the few parishes in which they have been wisely administered. It is certain, therefore, I repeat, that by means of the able Commissioners, who will direct the administration of these laws throughout the country, we shall have a wise administration of them so long as they are permitted to exist, and thus that no harm can result from their existence being prolonged for the few months which will intervene before Parliament shall re-assemble. When we return after the recess to consider this matter again, coolly and calmly—with the advantage in the meanwhile of inquiring for ourselves, and hearing from others, more especially of obtaining the opinions of the most judicious of those persons, whether Magistrates or Overseers, who have had to do with these laws—I think that then we shall be enabled to deal with this matter far more satisfactorily, than is possible at present. I cannot, therefore, but submit to noble Lords the expediency of acquiescing at once in the proposed delay. If I shall have a hope given to me that such will be the case—if I may indulge the expectation that your Lordships will accede to my suggestion—I shall most gladly spare your Lordships, as well as myself, the trouble of going further. My Lords, not receiving any such encouragement, I am compelled to detain your Lordships with some remarks on the merits of the clauses as they now stand. My first and great objection to them is, that they are founded on a principle of injustice—I apprehend of admitted injustice. I apprehend that there is no noble Lord in this House who will venture to say, that the principle on which this law is to proceed, in respect to bastardy, is other than unjust; if there be a single individual who thinks it to be not unjust, I should be greatly obliged if he would indicate his opinion to me. My Lords, as no one seems to do so, I take it to be admitted by all that it is unjust; and that admission having been made [*Expressions of dissent.*] I am sorry, then, to perceive that I must discuss the question of justice; and I assure the noble and learned Lord on the Woolsack, that I was perfectly sincere in believing the injustice to be admitted—though by his smile he seems to think otherwise. My Lords, as to the injustice of this measure, I rest my proof plainly and simply on its proposing to fix on one party—and the party who of the two is the less able to bear it—the whole burthen which belongs by the law of nature in other words, the law of God—equally to both proportionately to their respective ability. It is on this principle that I proceed; that the law of God lays on the father of a bastard child as much the burthen of maintaining that child as on the mother. I might go further if it were necessary for my argument; I might say that the law of God imposes on the father of a bastard child the duty of maintaining that child, as much as the duty of maintaining his legitimate child. My Lords, in saying this, I think that I speak on no light grounds. I have no doubts myself—none whatever—in spite of the indications that I have received of the doubt entertained by others, that this view accords with the doctrine contained in the Holy Scripture; for, my Lords, while I admit that there is no text which in terms commands the father to maintain his bastard child, yet I must say, that there are principles repeatedly stated and enforced in Holy Writ, which clearly point out that obligation. Such are those passages of Scripture which specially refer to the duties of fathers to breed up their children in the nurture and admonition of the Lord, as well as all others which allude to the maintenance of children by their fathers; allude, I say—for there is none that specially and formally commands them to fulfil that obligation—Holy Scripture referring to it as to a matter so plain, that no human being could require to be informed what is the law of God on the subject. All these texts, which refer generally to the duties of parents towards their children, appear in my mind, to refer to their duty of parents, towards all their children, bastards as well as legitimate. My Lords, while I draw this conclusion from Scripture, I am happy to think that I am fortified in it by very high authorities. I refer more especially to the laws of this country, and to the principle—the hitherto undisputed principle—on which they are founded. I will not say anything as to what may be —in truth, my Lords, I do not know what may be—the law of France or Italy, or other foreign countries on this subject—and I am not ashamed to add, I do not care what it is:—I am satisfied, my Lords, with the principles of British law, and to these principles I refer with confidence, in confirmation of the doctrine I have the honour of maintaining this evening before your Lordships. The great commentator on English law states the duty of parents to bastards as follows:—'Let us next see the duty of parents to 'their bastard children by our law, which 'is principally that of maintenance; for 'thougn bastards are not looked upon as 'children to any civil purposes, yet the 'ties of nature, of which maintenance is 'one, are not so easily dissolved.' The same writer says again;—'It is a prin'ciple of law that there is an obligation 'on every man to provide for those de'scended from his loins.' He goes still further, and adds that 'The duty of 'parents to provide for the maintenance 'of their children is a principle of natural 'law—an obligation laid on them not only 'by nature herself, but by their own proper 'act in bringing them into the world; for 'they would be in the highest degree in'jurious to their issue if they only gave 'their children life that they might after'wards see them perish. By begetting 'them, therefore, they have entered into a 'voluntary obligation to endeavour, as far 'as in them lies, that the life which they 'have bestowed shall be supported and 'preserved; and thus the children will 'have a perfect right of maintenance from 'their parents.' This, my Lords, is the language of Blackstone: and if I look to a great commentator on the laws of another part of the United Kingdom—I mean Mr. Erskine, in his *Institutes of the Law of Scotland*—I find the same principle distinctly laid down by him. 'Pa'rents are bound to maintain their issue 'though the relation should be merely 'natural; not only the mother, who is 'always certain, but likewise the father, 'if he hath either acknowledgd the child 'for his, or may be presumed from other 'circumstances to have begotten him.' While these, my Lords, are the principles of British law—I say it emphatically, British law—law which prevails, and always has prevailed, in both parts of Great Britain, in Scotland as well as in England—I rejoice to add that these principles are recognized by all the great jurists who ever instructed mankind on this important subject. I hold in my hand extracts from Montesquieu, Grotius, and Puffendorf—all going to the full extent of what I have said; but, in truth, my Lords, I cannot bring myself—speaking as I am in an assembly of Englishmen—I cannot bring myself to have recourse to foreign jurists, not even to Grotius, Puffendorf and Montesquieu, to maintain for me the principle that English fathers are bound to maintain their children—aye, their illegitimate children. No, my Lords; I will not degrade myself, nor insult you, by citing to you any such authority. [*The right reverend Prelate here cast upon the floor papers which he held in his hand.*] Happily, indeed, I have an English authority—a very high authority—no other than that of two admirable men—right reverend friends of mine—who have subscribed this very Report—this Poor-Law Commission Report—and I mention these right reverend Commissioners rather than their brother-Commissioners, because your Lordships will agree with me, when I say that their authority on such a question must always have the greatest weight—greater even than that of the other eminent individuals whose names follow in the subscription to the same Report. My Lords, I rejoice in saying, that my right reverend friend behind me (the Bishop of London); and not only he, but also my right reverend friend, not now in the House (the Bishop of Chester), have concurred in recognizing and asserting this great principle for which I contend. For thus they say, in their Report before us:—'The object of the Act of the 18th Elizabeth, chap. 3, was merely to force the parents"——In the plural, observe my Lords, both parents, the father and the mother——" to support their child (their bastard child)—a duty which appears to have been previously performed for them by the parish." I rejoice, then, my Lords, instead of quoting the words of Puffendorff, Grotius, and Montesquieu, to be able to quote the words of my right reverend friend. He admits, as your Lordships perceive, that it is the duty of both parents to support their children—their bastard children—a duty, indeed, which, before the passing of the 18th of Elizabeth, was, he says (on what authority I do not stop to inquire) performed for them by the parish. If then, it be the duty, the admitted duty, both of the father and of the mother, to provide for their bastard children, I think that it cannot require much observation from me to satisfy your Lordships that it is only just that the duty which belongs to—and the burthen which results from that duty, should not be taken from him who is best able to bear it, and be placed on the helpless shoulders of the poor female—my Lords, I say the helpless shoulders of the poor female, and I shrink not from the full meaning of the words. I must be permitted to remind your Lordships, that though the woman is bound to do all she can for the sustenance of her child, yet she never can do very much without assistance from others. I must remind your Lordships that woman is essentially helpless, and that in bringing these poor children into the world, it has pleased God to show her helplessness in the most trying and affecting manner. At that tremendous extremity of suffering nature, woman must have assistance—she must have support—she must have it then, and for some time afterwards. Why, then, it is a mockery of the laws of nature,—ay, my Lords, and it is a mockery of something much more sacred, the laws of God—to cast upon the helpless shoulders of the woman, this undivided burthen. I contend that woman is by nature not designed, not qualified, to bear the full burthen of the maintenance of her children. But, my Lords, when it has been actually admitted—as I have already shown—by my right reverend friend, that it is the duty of the father, as well as of the mother, to maintain these children, can it be necessary to urge this point further? Still more, can it be contended any longer, (as it is however contended by my right reverend friend and by the noble and learned Lord) that the Legislature ought to throw this duty solely on the mother? Why is this to be done? The only reason I have heard for it, is one which I admit sounds plausibly enough, and I confess I was myself caught by it for a while; the only reason, my Lords, that I have heard in support of this proposition is, that it is expedient, in order to preserve a purity of morals in all classes of the community, that as strong a restraint as possible should be put upon woman to compel her to maintain her chastity. I apprehend that this is the principle on which is to be rested the fitness of relieving the father altogether, and laying the whole burthen of maintenance on the woman alone. But here again, my Lords, I must take leave to say, that we find in Holy Scripture that this is not the course which it pleased God himself to take. God, my Lords, in that law which he himself gave to his chosen people, laid down principles which it is for us, and for all mankind to be ready at all times to acknowledge as most equitable and most wise. I do not mean to contend—I never did contend, although the arguments urged the other day against me in Committee, supposed me to contend—that all the details of the Mosaic Law are to be imitated in the legislation of these days. No, my Lords, nor did I ever contend that—all the principles which are to be found in the Mosaic Law, ought of necessity now to be carried into effect by human law; but I contended then, and I confidently contend this night, that these principles themselves, are at least to be recognised as most wise and most just. Now, my Lords, I say, that God in legislating to prevent incontinency among his chosen people, did not direct his prohibition, nor his worldly penalties, or restraints, solely to the woman. On the contrary, he addressed them more especially to the man, even in cases where the parties were equally guilty—where the woman was consentient to the Act, even there he imposed upon the man—the man alone—a positive penalty; ay, my Lords, and in order to deter the man, he made it his duty to marry the woman; nay, further, he deprived him in this case, of a liberty which the husband enjoyed in almost every other, the liberty of divorce—because he had humbled her, he was never to put her away during his life. Upon that principle, maintained in the Word of God, and because it is there maintained, I contend that the reason which is given to justify this departure from it, in the Bill before us, is unsound—is vicious. It is unsound and vicious, because the process to which recourse is there had, for the preservation of female chastity—I mean, the directing all the penalties of the law, and limiting the whole burthen, to the woman—is contrary to the principle maintained and enforced in the law of God. The Report of the Commissioners, indeed says, as I had occasion to state in a former debate, that there is another reason why this process respecting the maintenance of bastards should be adopted—namely, because only one of the parents of an illegitimate child can be ascertained. This is a position necessary, it must be admitted, for the justification of this Bill—absolutely necessary—but it is a position which is positively contradicted by almost every authority that has had to do with this Bill, except these Commissioners; by all especially, both in the other House of Parliament and in this. The other House of Parliament adopted a clause—though your Lordships, it is true, have since struck it out—which distinctly negatives any such position, for that clause proceeded on the assumption that the father of a bastard child could, as a matter of course, be ascertained. Not only did that clause do so, but also, my Lords, the two clauses which are to be proposed by the noble Duke this night, and which I understand have the high approbation of many noble Lords of great influence in this House—those clauses proceed on the very same principle, that the father can be ascertained. Here, then, we have a case pretty nearly of *felo de se*—here is another step in the process of justification absolutely struck away; but this is a series in which (as is most worthy of being borne in mind)—if any one part fails, the whole thing falls to the ground: yet here we have it proved, admitted, acted upon as manifest, that one principle essentially necessary to be established, in order to justify this Bill,—namely, the principle, that the father of a bastard child cannot be ascertained—is palpably unfounded. In short, my Lords, we have the authority, not only of the law, both of Scotland and England, and of all the jurists that can be referred to, and all the great lawyers and statesmen who have had to do with the making of laws up to this time; but we have the authority of the present House of Commons—we have the authority of the noble Baron who gave notice of those two clauses—we have the authority of the noble Duke (of Wellington) who intends to move them this night,—and we have a further authority—I mean that of his Majesty's Ministers, who have intimated their intention to adopt the clauses which are to be so moved; we have all these great and illustrious authorities for saying, that the necessary principle of this Bill—that on which the justification of its provisions respecting bastardy wholly depends—namely, that only one parent of an illegitimate child can be ascertained—is wholly without foundation. For those authorities unanimously declare, that it is possible to ascertain both parents, the father no less than the mother—nay, the clauses which are to be moved, this very night, will undertake to prescribe a course for ascertaining the father. Thus, then, my Lords, the most essential, the fundamental principle of this part of the Bill is, I repeat, struck from under it. When we hear so much of only one of the parents being capable of being ascertained, and when it is treated as so much a matter of course, that this one, the mother, can always be ascertained, shall I be permitted to ask your Lordships whether this is so absolutely certain as it seems to be? I press the question seriously,—I press your Lordships seriously to consider it. Is it so plain, that you can always ascertain who is the mother of the bastard child? My Lords, let this Bill but pass, as it at present stands, and your Lordships may depend upon it that you will soon discover your mistake. Depend upon it, if the ingenuity of woman be taxed to defeat those provisions which she will feel,—and I must say, will justly feel,—to be most iniquitous, most cruel, most oppressive, it will not be taxed in vain. Yes, my Lords; you must be prepared, when you have passed this Bill, to see a woman exercise her utmost ingenuity to defeat you, to evade the undue burthen which you would impose upon her,—to prove to you, that you cannot ascertain the mother of a bastard child more easily than the father, if your cruelty drive her to concealment. You must be prepared, too, for the responsibility of having forced her to expose her offspring to hazards which I will not attempt to describe, because I am sure your feelings will not suffer you patiently to listen to the description. If this Bill should pass, every mother of every bastard child will feel that she is grievously injured. She knows—(you cannot persuade her to the contrary)—that she ought to have the protection and the assistance of the father of that child; but she will now learn that that protection and assistance will be refused to her by him, because he is told by the Legislature of his country that he is right in refusing it. And, my Lords, be it remembered, that the woman will be told this at that very time when she is in a state of the utmost destitution,—in the hour of her utmost distress,—at a time when every temptation that want, and misery, and shame can force upon her, will come in their fullest might,—it is then, my Lords, it is at such an hour, that she will be told, that—" the world is not her friend, nor the world's law." Depend upon it she will exert her ingenuity to the utmost to defeat that law, which she feels is to her so oppressive and so cruel. If you pass the Bill, you must be prepared to find every woman who can manage the thing at all,—I will not say ready to destroy her child, but—ready to try every expedient which is possible for her to try to place the poor babe which is to be the instrument of her degradation, destitution, and misery,—out of her own hands into the hands of others. These children will be carried in baskets nicely wrapped up, and safely and cautiously secured, and laid at the overseer's door, or at the work-house door, or at the door of the clergyman; and, my Lords, I sincerely hope, that if this Bill passes, many of these poor infants will be consigned to the protection of the clergyman, knowing, as I do, that he, at least, will take care that the child shall be borne, in security, to those who will in that case be bound to maintain it;—to the officers of the parish. In short, my Lords, you will find that every work-house will become an hospital for foundlings, and the least deplorable result of the proposed measure, if it is adopted, will be that injury to morals, of which hospitals for foundlings have been invariably found productive. And yet, my Lords, we are told that all this cruelty, all this injustice, is to be committed for the sake of morality,—for the sake of frightening women into chastity. I have but little confidence in the nostrum. I believe that woman will defeat it; and I earnestly wish but I cannot hope, that mere defeat may be all you will have to deplore. I tremble to think that crimes of a more hideous and appalling kind, than any violations of chastity may be, must be the consequences of the measure in which we are now invited to concur. God grant that those who, with me, entertain this fear, may be found to be mistaken! If the Bill pass into a law, most earnestly and sincerely do I pray that it may not disappoint the expectations of those who have introduced it—that in this one instance the unchristian expedient (if you indeed resort to it) of doing evil that good may come for injustice, my Lords, in any form, under any disguise, and for any purpose whatever, is, and must be, evil—God grant that in this instance the expedient may really effect its object—that the good sought and purchased at so high a price, as the sacrifice of justice, may be after all obtained—that the Bill may succeed in deterring frail woman from those vicious courses which it is, I doubt not, sincerely designed to prevent! If it does this, it will have done something it will have done much—but enough it cannot do, for nothing can be enough, to compensate its monstrous violation of a principle which the law of God, and up to the hour in which I speak the law of man, has always hitherto held sacred—

the principle of equal justice, in requiring the father to discharge, in due proportion, the first great duty which both parents owe to their common offspring, however born to them, whether in wedlock, or out of wedlock, the duty of support and maintenance. But let us see what are the probabilities that this Bill will really improve the morality of women? If there shall be many—I confess I do not expect that there will,—but if there shall be many who will be altogether deterred by the new law from yielding to the seductions of men, yet, at least, we must see that those who do yield, whether many or few, will be in a far worse state, even as respects morality, than such women are in at present. I entreat your Lordships to consider what will be the position of every such woman under the proposed law. By the clause now especially under your consideration, she will be cut off from all hope of marriage even with the partner in her sin, much more with any other man; and with this hope, the only hope of a creditable settlement, she will also be cut off from the only refuge to which she can have recourse, and where only she might recover some portion of that virtuous character, and some approach to that decent station which her former offence had forfeited. I appeal to the experience of you all—for you all, my Lords, I am persuaded, in the performance of that great duty which belongs to you as proprietors, when looking into the state of morals in your respective neighbourhoods, have perceived—whether it does not often happen that those poor women who have fallen from chastity, and have afterwards been married, become respectable and chaste wives. It is a remarkable fact, that while, as must be admitted, there is a great want of strict chastity (so far as regards connexion with some one man) amongst the lower orders of women before marriage, yet, after marriage, even those very women who have previously so erred, rarely—very rarely indeed—violate the marriage vow. I appeal to the experience of all who hear me, whether such is not the case? But if it be, I must contend, that it is a most cruel provision of the Bill, which disregards this very gratifying fact, and which will preclude every such woman from the possibility of obtaining that refuge in which she may regain, with God's blessing, some fragment of the credit and comfort which she has lost,—some portion of the respect of others, as well as of her own self-respect. The clause before us deprives her of this last hope, and tells her that she shall be abandoned for ever—it tells her in short, that there is nothing left for her to hope on earth. God grant that she may be taught, by others, the way to secure better hopes hereafter! But, indeed indeed, my Lords, the position in which these wretched women will be placed, is one, above all others, the least favourable for them to receive this lesson with effect or for their instructors to teach it to them with that best encouragement of zeal in teaching—the hope of teaching with success. Even this is not all. The obstacles to their reformation end not here; for as they have nothing left on earth to hope, so it will be found that they will have as little left to fear. See, my Lords, I beseech you, how this will be. The woman will feel that she cannot marry, but she may do worse. Though she has no hope of ascending the marriage bed, yet, if she permits others to ascend her bed, and if the consequence be a further spurious progeny, she nevertheless has nothing further to fear, nothing upon earth to deter her from her vicious course. For if the maintenance of one child has been too much for her to bear—if the pressure even of that burthen has compelled her to enter the workhouse—it is obvious that the parish cannot force her to bear any part in the maintenance of any other child; and thus your Lordships will perceive that while she will have nothing to hope, she will also have nothing left to fear. I repeat, what I said on a former day, that if she has a child every year, she will not be in any way a sufferer from the charge of them; the parish, and the parish only, will have to maintain them all. In a word, if your Lordships shall consent to the Bill as it is proposed to you, you will—and for the sake of morality, forsooth!—have reduced a fellow-creature—yes, my Lords, I must remind you, a fellow-creature — one of equal worth to any among you in the sight of Him who is the Father and the Saviour, I trust, of us all—you will have reduced a fellow-creature, I say, ay, many such a fellow-creature, to the shocking position of having nothing in this world to hope or to fear! nothing to look to from good conduct or from ill! Is that a state to which you wish, to which you can consent, to reduce any human being? If it be not, you will hesitate long before you permit this clause to pass. My Lords, it cannot, but be feared that the great majority of women who shall be reduced to such a state by being the mothers of bastards, will become utterly depraved. Shut out from all hope and all fear, most of them will abandon themselves altogether to their passions, and will run their course of vice and debauchery, regardless of all moral restraints, as the law will have released them from every restraint of every other kind. In the estimation of the world, all of them will stand alike, or nearly alike—all will have lost their casts and character, utterly, finally, inevitably lost it. But among those who will thus be made to suffer from the cruel enactments of this Bill, you must be prepared to expect that there will be some who, in spite of their fall from chastity, have not lost all feelings of honour, however perverted—have not lost all sensibility to that charm of self-respect, without which, even to such minds, life itself is worthless; nor can be made to accommodate themselves to any condition, in which they are condemned to live without some hope of regaining the respect of others. Consider, then, my Lords, I entreat you, consider what, under the provisions of this Bill, will be the state of mind of women such as these. All those feelings of perverted honour will rise up, in guilty conflict with the best instincts of her nature, in women of this description—and can they be few? I fear we must be prepared for the frequent occurrence of crimes, which at present happily startle us by their rarity, no less than by their enormity. I fear we must be prepared to hear, too often, that the mother's hands have been raised either against herself, or against her infant; or that the poor babe has been abandoned, rather than the mother should suffer the hopeless shame and lengthened misery which she must otherwise undergo. My Lords, when I see such a dreadful prospect of the frequency of these crimes—ay, or did I not see this, did I see no more than the prospect of one single instance, (for I declare most solemnly that the foreknowledge that one such case would arise, in consequence of a law which has been shown to be unjust, and which is admitted to be founded on injustice—or, at least, on most unequal dealing with parties whose fault is equal)—the foreknowledge of one such case would, I repeat, determine me to reject the law. But when I see the dreadful prospect which is really before us, the prospect of such cases continually occurring, it is not the monstrous and un-Christian principle, to which I have before alluded, of doing evil that good may come, that can reconcile me to the probable, the almost certain result. No, my Lords, if I were to assent to this measure, and if some such case of suicide or child-murder were the consequence of its passing, I should shudder at the responsibility I had so unwarrantably incurred—I should shudder at having been partaker, as I should then feel that I had been partaker, of that one woman's sin. But while we are thus considering the moral effect of this clause on women, have we altogether lost sight of what is to be its moral effect upon men? We heard a statement the other night from a high authority—and I heard it with great regret—of the supposed state of the masculine morals of this country. I assure the noble and learned Lord that I mean not any disrespect to him when I declare that I believe his statement to have been grievously, extravagantly, unfounded. Most sincerely should I regret to believe that statement true; but I do not believe it; I do not believe that in any rank, in any class of Englishmen, nor in any part of England, does that state of morals actually exist, which was so strongly described by the noble and learned Lord the other evening, as prevailing among all men of all societies in the land. I am sure, my Lords, that such was not formerly the case, and I trust that it is not now. I know it was not so thirty or forty years ago; and whatever may have been the departure—if there has been a departure—from the comparative virtue of those days, I do not believe that anything like the immorality described by the noble and learned Lord does now prevail. I believe, that in all large portions of society in England cases like those which he has stated constitute the exception, and not the rule. Feeling so, my Lords, I must profess that it is, in my apprehension, a matter of grave interest that you do not proceed to the adoption of a law, which I admit could do no harm, as far as men are concerned, if the noble and learned Lord's statement of the masculine morals of the country were really true. If the habits of men among us be as depraved as the noble and learned Lord has stated, no law which you may pass can make them worse. But do you, my Lords, seriously believe that they are? Do you give credit to the noble and learned Lord's statement? It is impossible. But if this be so, and if, as I have already said, and as all must admit, we are bound to consider, not merely the morality of women, but that, also of men, it is plain that we ought not to remove all, or any of those checks which God and man, up to this hour, have imposed on men, to save them from yielding to their profligate propensities. Now, my Lords, by passing this Act you will remove all those checks. You will release men, especially in the humbler walks of life, from all temporal restraints on their licentiousness. And this is not the only vicious consequence even to men which will follow from passing the Bill in its present form. There are other moral evils, of very grave importance, which must also result from it. The tendency, the direct tendency, of this Bill, in this part of its provisions, is to harden the heart of man, and increase his selfishness to an intensity of which we have never yet believed him capable. It goes further,—it goes to confound his sense—his practical sense—of right and wrong, and to deaden all his moral sensibility. It tells him that an Act of Parliament, forsooth, may release him, and has released him, from that duty which he owes to his children by the law of God,—a duty, therefore, which he owes to God himself. Such is the direct tendency of this moral Bill,—a Bill by whose moral provisions you are about to produce all these portentous effects,—a Bill by which you will corrupt and harden men, and encourage self-murder and infanticide in women,—a Bill by which, at the very least and lowest, you are about to sacrifice the first principles of justice, and to tyrannize over that part of your kind which, up to this hour, you have felt it your first duty, as it has been your honest pride, to protect. My Lords, there is one single observation more which I must make. Every law, to be efficient,—and in this sentiment I am sure I shall have the unanimous concurrence of all your Lordships—every law, to be really efficient, must have the sanction of public opinion. My Lords, this Bill never will, never can, have the sanction of the general opinion of the British people. It is impossible. My Lords, the British people have never yet been taught to regard woman merely as the minister to their vilest passions—as the slave of their grossest appetites; they regard woman as a being whom they are bound to honour in her purity, and not to spurn even in her fall,—to cherish in her weakness, to assist in her distress,—above all, to protect when she is oppressed. They never will be parties to all the cruelty and all the oppression that are concentrated in this Bill. My Lords, if such be the case, will you proceed to pass the Bill? Will not the effect be, to disgust the people of England with the law itself, so far as this measure is concerned? and let me remind you, that it is not easy to disgust a nation with one part of its laws without that disgust extending further. The effect of a Legislature's framing any of its laws in despite of the best feelings of the people is this:—that every law so formed tempts them to cast off their respect for all laws; and, I must not be afraid to add, for the Legislature which shall have ventured to make it. My Lords, I do not wish to go further on this occasion; indeed I feel that it is not necessary for me to do so. I cast myself upon your hearts, and call upon you to vote with me or against me this night, as those hearts shall prompt you. I call upon you by your sense of justice, by your bowels of mercy, ay, my Lords, and by your feelings of manhood, to reject this most unrighteous law. And I do now move, that this 55th Clause of the Bill be rejected.

The Bishop of *London:* It is not my intention to trespass upon your Lordships' time with any lengthened observations. I know not that I can add in substance to the arguments which, on a former occasion, I addressed to your Lordships, when I endeavoured to counteract the effect which the eloquent appeal then made by my right reverend friend must have produced on your Lordships' minds. Powerful as the address of my right reverend friend has also been on the present occasion, yet I do not expect that the practical result of it has been such as to impose on me the necessity of replying, at any considerable length, to the observations he has made. I should have been glad to have been spared from entering again upon this really painful subject, for painful it must be to feel one's self called upon by an imperative sense of duty to assist in the ungracious task of endeavouring to remove errors from the public mind, when those errors are closely intertwined with some of the best feelings of our nature. I know not that I should have risen at all on the present occasion, had I not lately been made the object of a most gross and malignant attack, which makes it necessary that I should say a few words, not so much in favour of the clause which my right reverend friend proposes to omit, as in self-vindication, though the extreme grossness and malignity of the attack, combined with the knowledge of the quarter from whence it comes, will disarm it of that power which it otherwise might have had, and disappoint the intentions of its author. With respect to the part which I have myself taken, both in the preparation of the Report which has now been some time in your Lordships' hands, and in the consultations upon the measure now under discussion, I trust I may be permitted to say, that when I was first applied to by the noble Lord, the Chancellor of the Exchequer, to become one of the Commissioners for inquiring into the Poor-laws, I felt a very strong reluctance to embark in that inquiry. I had a pretty clear perception of the obloquy to which I should probably expose myself by doing my duty in the examination of such a subject,—a subject to which I had paid rather close attention for several years past. I knew that many of the recommendations which would probably be made by that Commission, and to the making of which I should be a party, would be of such a nature as would be likely to expose me to the imputations which have been since so liberally lavished upon the Commissioners. I yielded, however, to the solicitation of that noble Lord, and consented to take upon me the office. Having done so, I should have been wanting in the duty I owe to the country at large, had I not faithfully and fearlessly applied myself to the duties of that office. If, in the execution of those duties, I felt myself compelled to adopt opinions at variance with the sentiments of many with whom I am accustomed to concur, I trust I shall not, on that account, be accused of acting under the influence of unworthy motives. Without having made this disclaimer, I trust your Lordships would have done me the justice to believe, that I am fully alive to the painful and inconvenient situation in which I am placed,—that of appearing to be the advocate of measures which seem to wear on the surface something of unkindness towards the most interesting portion of the community; but which, in my conscience, I believe, when followed out into all their results, will prove to be to those very parties a source of improved morality, and of happiness. My right reverend friend has spoken largely and forcibly of the duty of parents to support their offspring, whether legitimate or illegitimate. I fully acquiesce in the justice of that principle; no doubt it is the duty of both parents to do all in their power to support the progeny which they have been the means of adding to the human race. But that really is not the question at issue. There is nothing in this Bill which goes to countenance the opinion, that it is not the duty of the father as well as the mother, even of an illegitimate child, to support their offspring; but the question is, in the first place, whether we ought, and, in the next place, whether we can, enforce the performance of that duty by legislation. My right reverend friend is too well versed in theology and ethics not to know that there are many duties prescribed by the law of God, which it is not expedient, often not even possible, to enforce by human legislation. I need only remind your Lordships of the filial duties; the duties of children to their parents are as reciprocally obligatory as the duty of parents to support their offspring; and yet, beyond a certain point, by what human legislation can you ensure the right conduct of children towards their parents? My right reverend friend says, that when a female who has been the victim of seduction is reduced to the utmost extremity of want —at that moment when nature cries out most loudly for relief—she will be told by the framers of this Bill that it is not the duty of the father to provide for the support of her child. But I deny that this Bill pronounces any opinion of the kind. It takes for granted, that it is the duty, the moral duty, of the father to support the child; but what the Bill says is, that the present mode of enforcing that duty is not only extremely inconvenient, but in practice, leads to results infinitely more detrimental to the morals of the community, than would be the case, if the matter were left entirely to the course of nature. For, after all, I must contend, that the course which this Bill points out, is the course pointed out by the law of nature; and, therefore, inasmuch as the law of nature is not, in this instance, interfered with by the written law of God, the course pointed out by this Bill is the course sanctioned by the law of God itself. I am quite aware that the Levitical law inflicts a certain penalty on the seducer of female virtue. That law refers to two cases,—the one to the violation of female chastity, and the other, where the woman is a consentient party; but what is the penalty which that law inflicts upon the man? Why, that the man should be compelled to marry the injured female. Now, in the first place, the very principle upon which this Bill proceeds is, that it is, if not impossible, yet exceedingly difficult to fix upon the actual father. That it is, in a moral and religious point of view, the duty of the person who has deprived a female of her virtue, to make the only reparation in his power, by marrying her, no person will stand up and deny; but when we look at the consequences which notoriously result from forced marriages, contracted under such circumstances, few will be bound to argue, that even if we could ascertain the real father, we should attempt, by legislative enactments, to compel him to marry the female whom he has wronged. But the truth is, that the extreme uncertainty which attends all attempts to fix upon the father, renders all such legislation partial and unjust. The painful illustrations which I felt myself called upon to adduce, on a former occasion, from the Poor-Law Reports, I will not weary your patience, nor disgust your taste, by repeating; but the whole tenor of the evidence brought before the Commissioners proves, if not the impossibility, the almost insurmountable difficulty of discovering who the father is. I confess that I was surprised to hear my right reverend friend argue, that this Bill went upon the assumption, that we may discover the father. This part of the Bill, I repeat, as originally framed, was founded on the principle, that the father could not be discovered. Of course I do not say, that in no case it would be possible to ascertain the real father; for in the game of chances we may now and then hit upon the right person; but, upon the whole, the principle is a sound one, that it is extremely difficult, if not impossible, to ascertain the real father. Then, my Lords, my right reverend friend adverts to the circumstance of some honourable Member of the other House having introduced a clause into this Bill, which clause assumes that to be true which the Bill says can by no means be proved to be true; and then my right reverend friend immediately tells us, that this 55th clause is not wanted, because the Bill has already so assumed the principle that it is possible to ascertain the real father. My Lords, what I contend for is, the measure in its original simplicity, which keeps clear of the probable injustice resulting from all attempts of filiation, and proceeds upon the original law of nature, which requires an unmarried mother to maintain her child. I have recently received a communication from an intelligent clergyman in the county of Warwick, in which he alludes to what took place in this House on a former evening, when this subject was under discussion. With your Lordships' permission, I will read the substance of that communication:—

"I feel persuaded that your Lordship will pardon my stating three cases which have very recently occurred in this parish, as they cannot but tend to confirm your Lordship's opinion, and fully justify your Lordship's sentiments. The first case was that of a young woman who swore a child to a person, who proved to our Magistrates that only five months had elapsed from the day he had first had an illicit intercourse to the birth of the child; consequently the order was refused. The actual father escaped, and the child and the mother came on the parish for relief, according to the existing Poor-laws. The second was an infamous girl in the workhouse who became pregnant. On being asked who she would swear her child to, she said with the greatest assurance, 'that the child had so many fathers, that she had not yet fixed upon one.' At last she fixed upon a respectable young man, whose friends employed an attorney, and, on the witnesses having been examined, the magistrates refused to make an order. The parish-officers having resolved to take the case to the quarter-sessions, the friends of the young man consented to his paying 1s. per week, rather than incur an expense that would involve them in pecuniary difficulties. The third, and most atrocious case was that of a most artful and abandoned girl, who came before the Magistrate, and had the audacity to swear her child to the son of a beneficed clergyman, a youth of about seventeen, of the most unblemished reputation. When she came into the justice-room he did not know her even by sight, and it was clearly proved to the Magistrates that he was at school during the very time that she swore he was at home, and being connected with her. The Magistrates refused an order. The parish officers carried it to the General Quarter Sessions. The father of the young gentleman engaged for his son special Counsel. The learned Sergeant, having elicited from the girl that she had received money from different persons not to swear the child to them, thought it unnecessary to call his witnesses. The girl's testimony was received, and an order made upon the youth on the oath of a girl not a degree better than a common prostitute. So deeply convinced was the learned Sergeant of the entire innocence of the youth, that he enclosed his check to his father for 52*l*. 10*s*., the amount of his fee, and said that no case had ever given him so much uneasiness as the fatal and unalterable decision that had been made against his son. For, as the law stands, this pious and excellent youth, who is educating for the ministry, can make no appeal; nor can he, as he has ascertained, indict her for perjury."

If this be true, I admit that the argument holds good only to a certain point, because it does not prove that other remedies may not be applied to the evil complained of; but the letter I have read shows the extreme difficulty of proving who the father is. I trust I may be permitted to make one remark with respect to the clauses which a noble Duke is about to propose in lieu of the clause which was inserted by the other House of Parliament, and which has been rejected by your Lordships. By those clauses, in affiliating the child, the mere evidence of the mother, on oath, is not to be considered sufficient; but corroborative evidence is to be required to justify the Magistrate in making an order. I do not quite understand what that corroborative testimony can be, or how it is possible to adduce any other evidence than what is generally received in cases of this description. It is true, evidence may be adduced on the other side to prove an *alibi*, but how the woman can adduce corroborative evidence, except now and then, in a very few cases, I cannot conceive; and this difficulty is to me the chief recommendation of the clauses, as they will, in point of fact be merely nugatory. Now, with respect to the effect which this Bill will have on female morality (or feminine, as I may call it, my right reverend friend having spoken of masculine morality), I will advert for a moment to the statement of my right reverend friend, that if this clause should be adopted, it will leave the unfortunate woman nothing to fear, and nothing to hope for. As the law stands at present, the woman has, indeed, nothing to fear, but she has a great deal to hope for from her frailty. That is the principal defect of the present law, a defect which the clause now under discussion goes to remedy. Under the present system, every imaginable temptation is held out to a woman to repeat her offence. Instances upon instances were laid before the Commissioners, of abandoned women having become mothers of illegitimate children, in order that they may obtain such a dowry as would induce not less abandoned men to marry them. Without denying the danger which my right reverend friend has pointed out, of women being induced by the proposed alterations of the bastardy law to repeat their offence, he must allow me to remind him, that his argument has proceeded upon the supposition that there will be as many mothers of bastard children after this law shall have passed, as there now are; whereas, this law will inevitably reduce their number. Another fallacy which has run through my right reverend friend's argument, is this, that these unfortunate females will be left entirely destitute of relief. But that will not be the case: they cannot, except by their own fault, be left to perish. It is true, that the relief which will be given them will only be administered in a particular form,—that is, in the workhouses; but they never will be exposed to that extremity of suffering which my right reverend friend has depicted with so much fervour and pathos of language. Then, with respect to the immorality which will be encouraged by this measure in the other sex. Supposing the parties to be equally vicious, the seducer is not likely to meet with any obstacles in his unprincipled attempts; and I admit that, in such cases, the Bill will not be likely to have any remedial effect; but neither will it make matters worse than they now are; but the great remedy is the certain effect which it will have by interposing, in many cases—in most cases, I might say,—where the mind of a female is not corrupted, an insuperable barrier to those attempts; so that the cases where the seducer will fail, will infinitely out-number those in which he will succeed. With respect to one further topic which my right reverend friend has slightly treated, but upon which others have spoken out more fully,—I mean the crime of infanticide,—that is a point which did not escape the notice of the Commissioners, and they have treated of it in their Report, but as briefly as was consistent with a due regard to the importance of the subject. It is not necessary, nor indeed proper, that I should enter into any lengthened discussion of such a point on the present occasion, for reasons that must be obvious to your Lordships. But I believe that the instances have been exceedingly rare where that crime has been perpetrated under the influence of an apprehension on the part of the unfortunate mother, that either herself, or her helpless offspring, would be suffered to starve. The experience of all will confirm the statement, that such a crime is generally perpetrated from a sense of shame; and here I think one of the greatest recommendations of the measure now proposed displays itself. When the female will no longer be called upon to go before a public tribunal to affiliate her offspring,—when she is spared the necessity of proclaiming to the world at large her first deviation from the laws of female honour, her first departure from virtue, there will be a door left open to her for repentance and reformation. We shall hear much less frequently of instances of a second violation of chastity,—and we shall have the satisfaction of being told of many families whose honour will have been preserved, because they were not obliged to make a public disclosure of their daughter's disgrace. I am aware of the delicacy of speaking upon this subject, I should be sorry to say a word that should diminish a sense of real shame for such an offence; but I think that good effects will follow from not exposing a young woman to public disgrace who has fallen the unfortunate victim of seduction. Such a female, who, however blameable she may be, is yet not abandoned, nor lost to all sense of decency, ought not to be hurried into the depths of vice by public ignominy. I will not dwell upon this topic any longer. But to revert, for instance, to the subject of infanticide,—God be praised, the crime is comparatively rare in this country, and the present measure will not increase its frequency. We have the testimony of one of the best and most eminent men of the age to prove, not only from experience, but upon the broad principles of natural truth, justice, and morality, that no such danger is to be apprehended from this measure. My right reverend friend has quoted authorities of some eminence, and has referred to jurists and others in support of his views of the subject. His quotations are not immediately present to my mind; I am, therefore, unable to determine what degree of weight ought to be attached to them, or how far their force may be modified by a consideration of the context. But whatever weight ought to be attached to the testimony of Montesquieu, Grotius, and Puffendoff, I will take the liberty of reading the evidence of a man of whom I may say, without danger of being accused of flattery (even though I panegyrize a witness who is about to give evidence in my favour), that in many essential qualifications he is not far inferior to the highest of those names to whom my right reverend friend has referred, not at all inferior in piety, and zeal, and philanthropy to any man living, and, in point of talent, learning, and sagacity, not inferior to my right reverend friend himself; I allude to that distinguished person, Dr. Chalmers, whose admirable work, on the civil and religious economy of large towns, your Lordships would all do well to peruse. I am glad to shelter myself under this authority; and when I have read it, I know not that it will be necessary for me to add a word more:—"There is a sensitive alarm sometimes expressed lest on the abolition of legal charity there should be no diminution of crime, while the unnatural mothers, deprived of their accustomed resource, might be tempted to relieve themselves by some dreadful perpetration. It might serve to quell this apprehension and to prove how nature had provided so well for all such emergencies as that she might safely be let alone, to consider the following plain but instructive narrative from the parish of Gratney, contiguous to England, and only separated from it by a small stream. The Reverend Mr. Morgan, its minister, writes me that, "To females who bring illegitimate children into the world we give nothing. They are left entirely to their own resources. It is, however, a remarkable fact, that children of this description with us are more tenderly brought up, better educated, and, of course, more respectable, and more useful members of society, than illegitimates on the other side of the Sark, who, in a great many instances, are brought up solely at the expense of their parishes. This comparison of parishes, lying together in a state of juxtaposition, and differing only in regimen, proves with what fearlessness a natural economy might be attempted; not, we admit, in reference to cases which already exist, but certainly in reference to all new cases and new applications. The simple understanding that in future there was to be no legal allowance for illegitimate children in a parish would lay an instantaneous check on the profligate habits of its people. The action of shame and prudential feeling, and fear from displeased, because injured and oppressed, relatives, would be restored to its proper degree of intensity; would be surely followed up by a diminution of crime; and as to any appalling consequences that might be pictured forth on the event of crime breaking through all these restraints, for this, too, nature has so wisely and delicately balanced all the principles of the human constitution, that it is greatly better to trust her than to thwart and interfere with her. She hath provided in the very affection of the guilty mother for her hopeless child a stronger guarantee for its safety and its interest than is provided by the expedients of law. This is forcibly illustrated by the state of matters at Gratney, and might help to convince our statesmen how much of the wisdom of legislation lies in letting matters alone." With this testimony I shall conclude my observations on this subject. I trust my right reverend friend will believe me when I say, that it is with infinite pain I find myself compelled to differ from his master-mind upon a question of so much delicacy and importance. I entered upon the consideration of this department of the Poor-laws with considerable misgivings; but the more I continued my inquiries, and the longer I meditated upon the subject, the more I was convinced that the conclusion at which the Commissioners have arrived, is that conclusion which, if adopted by your Lordships, will be better calculated than any other expedient which, under existing circumstances, can be had recourse to, for improving the state of morals among the lower orders of the people, so far, at least, as they are connected with the vice of incontinency. I may be permitted to add, for in a question of so much difficulty and delicacy, it is natural that I should seek to fortify myself by the example and arguments of others, —that I have the satisfaction of knowing that in the opinion which I have formed on this most important subject, I have the entire and cordial concurrence of my right reverend friend who was joined with me in the Commission, and whose name is sufficient to satisfy your Lordships and the public, that nothing which I have consented to is either contrary to the law of God, to the dictates of humanity, or to the principles of justice, I mean the Bishop of Chester.

Lord *Wynford* said, that after the able and eloquent speeches of his two right reverend friends, he felt bound to call the attention of their Lordships to a few points which they had either omitted or misunderstood. He would commence by calling their attention to the clause by which a man married to the mother of the bastard children of another man, was bound to provide for their maintenance and support. Now, was it consistent with natural justice that their Lordships should sanction such a clause? He could not help thinking that such a clause tended to the material injury of morality and religion. If a woman had a child, and was on that account to be cut off from all further intercourse with the respectable part of society, her ruin was not only commenced, but irrevocably consummated. Who would marry her, if he were compelled to support her illegitimate children? However they might be inclined to act upon the other bastardy clauses, he was sure that it would be most injurious to the interests of humanity and justice to compel the man who married a woman who had been seduced by another to maintain her bastards—to exonerate her seducer from that burthen, and to place it upon another, who had inflicted no wrong, but to a certain degree had himself suffered wrong. To render it impossible that a woman once unfortunate should ever be joined hereafter in honourable marriage to any man, was a course very different from that which the British Legislature had hitherto pursued. Upon these grounds, even if there were no other, he should vote in favour of the Motion of his right reverend friend the Bishop of Exeter. On the general question of Bastardy, he would not follow his two right reverend friends into the different quotations which they had made from Scripture. It required no authority to prove, that by the law of nature both parents were equally bound to support the children whom they brought into the world. In the case of legitimate children the whole burthen fell upon the father, and hitherto a great part of the burthen had also fallen upon the father in the case of illegitimate children. Under any circumstances, the ability of the father to maintain the child was greater than that of the mother. He gained higher wages than she did, and was not exposed to various infirmities to which she was liable. In time of childbirth she could gain nothing. The original curse that she should bring forth in pain prevented her from contributing at all during that period to the maintenance of her infant. To throw on her, therefore, the whole burthen of providing for her child was that which he could not call injustice merely, for it was unheard-of cruelty. His right reverend friend (the Bishop of London) had told their Lordships that the tender feelings of the mother would induce her at all hazards to maintain her child. He admitted, that women did in general feel more strongly than men. But then their Lordships ought not to forget how the rankling sense of desertion and injury was calculated to change her feelings. A woman seduced into criminality by the man she loved, and afterwards ruthlessly left by her seducer to the scorn of the world, was likely to experience a strange revulsion of sentiment; and instead of feeling that love for her offspring which sprang up spontaneously in the bosom of every modest female, was likely to look on it with feelings of abhorrence, on account of the guilt which had reduced her to such a state of abject wretchedness. At the time of her infant's birth the law could not compel her to maintain it, *nemo enim tenetur ad impossibilia.* As then it was impossible for her to maintain it at that time, who must maintain it for her? Her parents, or it might be her more distant relations. This alteration in the law, then, would fling all her family into a murderous conspiracy, one party conspiring to prevent the child from coming into the world, and another destroying its existence as soon as the child came into it. His right reverend friend, the Bishop of London, said, that from the inquiries which he had made, he was certain that there was no fear of anything of this kind taking place. Now, he too had made inquiries, and he found that wherever the Law of Bastardy had been most rigidly executed, there it had produced infanticide. The experience of his right reverend friend and of himself was so uncertain that it could not be much depended on, and they must both of them, therefore, recur to natural principles. It had likewise been said that great abuses had prevailed under the existing Bastardy-laws. Now, those abuses did not so much arise from the laws as from the abuses of them. He would rather that those abuses should be tenfold, not of what they were, but of what they were represented to be, than that, the life of any innocent child should be sacrificed to remove them. His right reverend friend had also spoken of the difficulty of executing the Bastardy-laws with certainty and with justice. But, the instances to which his right reverend friend had referred to prove that position had proved directly the reverse; for in those two instances the Magistrates, after cross-questioning the principal witness, had dismissed the case, and had refused to make an order of affiliation. The evil, it was plain, arose not from the law, but from the abuse of it. Go back, therefore, to the 18th of Elizabeth, administer that Act with strictness, and all the evil now existing would soon be eradicated. What had that evil arisen from? From the overseers making a point of giving to the woman the bastardy pay, as it was now sometimes called. Now that was in direct violation of the Statute, for it did not warrant the overseers in paying the allowance to the mother. The Statute directed the money to be paid over to the Churchwardens and Overseers, not for the use of the woman, but for the purpose of indemnifying the parish against future loss. Let the law be administered in that way, and depend upon it bastardy would not become more frequent. In the parish of Cookham the number of bastards had been reduced to nothing, in consequence of the strict administration of the present Bastardy-laws. He hoped that in Cookham and in other parishes, where the number of bastards had diminished, the diminution had not been occasioned by holding too strict a rein over the infirmities of the mother. One of the defects of this Bill was, that it would enormously increase the amount of the poor-rates. He would assume, that after the Bill was passed, the number of bastards would be as great as it was at present; for his own part he thought that it would be much greater. One of the Commissioners had stated, that the temptation to the increase of bastard children was the increase of the bastardy pay. Now, if that was the only temptation, it might be easily removed. The seducer, however, had better and more attractive inducements to hold out to the woman than the bastardy pay. He had now got too old to recollect what those inducements were; but he was certain, that there were a thousand inducements far more seductive than the mere telling her, "You receive 2*s.* a-week for your present bastard, and you will receive 4*s.* a-week for your next." That was too coarse an argument for any man to use to any woman. He repeated, that the number of bastards must increase if none of the consequences of criminality were to be visited on the seducer, if he were left to roam through the world a free agent, to gratify his passions to any extent which he might think proper. That would, of necessity, increase the parish burthens, for if children were begotten, and if the father were exonerated from the task of supporting them, and if the mother could not support them, then the burthen must fall upon the parish. The children might indeed be kept in the workhouse; but then they must have food and clothes to support their wretched existence, and the expense of providing such necessary articles must fall upon the parish. He hoped, that he had shown that it was inconsistent with the reputation of their Lordships, and inconsistent with the principles of natural justice, that one of the parents of a bastard child—and that the parent most able to maintain it—should not contribute to its support. He hoped, that he had satisfied their Lordships that it was inconsistent with humanity, that it was inconsistent with the principles of Christianity, on which our law was founded—that it was inconsistent with economy—to insert this clause in the Bill. But even supposing that it were not inconsistent with economy, still he could not give his consent to a measure which placed the poor in a worse situation, and which plunged the woman into still greater degradation than that in which both parties were at present. Economy, however, would not be gratified by these alterations. He felt constrained, therefore, to vote for the Motion of the right reverend Prelate the Bishop of Exeter.

The *Lord Chancellor* said, that as their Lordships were obviously very impatient to come to a division on a question which had already been debated six or seven times, he should confine what he had to say within the narrowest possible limits. Indeed, after the speech of the right reverend Prelate (the Bishop of London), so complete and unanswerable, it would be a waste of time to go into the subject at any length. He should not have troubled their Lordships on this occasion had it not been for the observations of the right reverend Prelate (the Bishop of Exeter), who assumed that it was the wish of the supporters of the Bill, to have the clause excluded which had been introduced in the other House on the Motion of the hon. member for East Somerset, and upon whose suggestion the right reverend Prelate seemed to intimate he had brought forward the subject. The fact was, that the clause of the hon. Member of the other House had been left out of the Bill by their Lordships, but at the same time it was understood that a noble Lord would move some other clauses which would embrace the same objects in a safer manner than was proposed by the hon. Member he had alluded to. The right reverend Prelate had alluded to what he (the Lord Chancellor) said the other night respecting the sending down a Bill to the other House which had been so altered from what it was when received from the other House, that it might, in point of fact, be considered a new Bill, or rather a new code, and that the House of Commons was justified in rejecting it, because they had not time to examine the changes made in it, and which must, by the forms of the other House, be either accepted or rejected entirely at one sitting. The right reverend Prelate had assumed, that the House of Commons would be justified in rejecting the present Bill in consequence of the changes made in it, and, above all, in consequence of leaving out the clause proposed by Mr. Miles. Now, although that hon. Gentleman's clause had been left out, yet others were to be inserted in the Bill differing very slightly from that rejected. Under those circumstances, he thought the right reverend Prelate might be satisfied thus far, and that there was no reason to fear that the House of Commons would object to the alteration that had been made. He did not regard the charges of inhumanity and cruelty that had been brought against the supporters of the present Bill. If he would condescend to use such a line of argument, he could with just as much fairness say to those who charged the defenders of the Bill with being oppressors of unfortunate females, the defenders of the immorality of males, and the encouragers of incontinence, that by supporting the present system of Bastardy-laws they held out inducements to want of chastity, that they were encouragers of conspiracy and fraud, and were protectors of perjury. He did not for a moment mean to say, that those who supported the law as it now stood were either encouragers of fraud or perjury. But it would be as just on his part to make use of such accusations as the persons who had made such gross and unfounded charges against the right reverend Prelate (the Bishop of London). The other right reverend Prelate (the Bishop of Exeter), had argued against these clauses as if they held out an encouragement to infanticide. He (the Lord Chancellor) would ask, whether there was any ground for such an assumption? In point of fact, such assertions were nothing more than phantoms to scare men, and to induce them to oppose a change in the law lest infanticide should be increased. On this point he would refer to what the law was in other countries. They knew how ill the present system worked in this country, but as the plan proposed had not been tried here they were forced to go to foreign countries. The system of throwing the charge on the mother existed in France and Belgium. In France a few years ago M. Portalis, the Minister of Public Instruction, proposed a law similar in principle to the clauses which had been so much objected to. Previous to the Revolution a provision was made for foundlings, and under the military and truly-savage tyranny of Napoleon, who was anxious for an increase of children to enable him to carry on his wars, foundling hospitals were greatly encouraged. For his own part he had given his opinion on foundling hospitals when he moved the second reading of the Bill, and he was perfectly sure that no person would say that foundling hospitals held out encouragement to continence. Since the foundling hospitals had been put down in France the greatest possible good had resulted. In those departments and communes in which the new system had been carried into effect with the greatest rigour the crime of infanticide had diminished in such a degree that it might almost be said that it had disappeared. This he believed was also the case in Belgium since the adoption of the new system. Again, if they went to Ireland, where the father had not to provide for the maintenance of his bastard child, did they find the crime of infanticide prevail? The Irish were accused of many things, but nobody would accuse them of infanticide. Indeed there was no part of the world, no part of the United Kingdom, in which that crime prevailed to so little extent as it did in Ireland. He should violate the promise he had made at the commencement if he said more, and indeed it was unnecessary for him to say more, after the most able speech of the right reverend Prelate (the Bishop of London.)

The Earl of *Falmouth* could not help feeling that the right reverend Prelate (the bishop of London), who had alluded to the scandalous and indecent attacks made on him, had noticed that which was unworthy attention. There was no person in their Lordships' House, he was sure, who was not satisfied that the right reverend Prelate was actuated by the best motives in the course he had pursued. The right reverend Prelate seemed to think that the bastardy clauses in the Bill were expedient, but he did not attempt to justify the principle on which they rested. The right reverend Prelate said, that he was anxious to punish the man as well as the woman if it could be safely and readily done. Now it appeared to him (the Earl of Falmouth), that under this Bill the inducement to false swearing on the part of the woman was destroyed, as the overseer was prevented giving her money. If relief was required, both mother and child must be sent to the workhouse; and therefore the probability was, the woman would name the father. The right reverend Prelate had dwelt on the difficulty of getting corroborative evidence, as was proposed by the clauses which the noble Duke (Wellington) intended to move; but in cases of seduction such evidence was at present necessary. In point of fact, all that was required was circumstantial evidence to support the testimony of the woman. The noble and learned Lord on the Woolsack dwelt on a former occasion on his more than common attachment to the fair sex—of his chivalrous feeling of devotion to them; but, in his opinion, the fair sex would be more readily induced to rely upon the assertions of the noble and learned Lord if he supported the Motion of the right reverend Prelate to throw out these clauses.

The Duke of *Richmond* was one of those who thought that the father ought to help to support his illegitimate child, and he should therefore have voted for the Motion of the right reverend Prelate but for some other considerations which he thought merited attention. He must admit, that in the experience he had had in the country in his magisterial capacity, he had seen that great injustice was often done to persons who had illegitimate children sworn to them, because they could not find sureties. They were sent to jails, where they were sometimes confined for a considerable period, their associates being persons of most abandoned character. He was most anxious to have the law altered in this respect, but he could not bring himself to consent to its alteration, unless he were convinced that their Lordships would adopt the clause which had been proposed by an hon. Member in the other House, and which, he was happy to learn, was to be embodied in some clauses that the noble Duke intended to introduce.

Lord *Teynham* said, he would vote for the omission of the clauses. He believed that there were 100,000 women at this moment pregnant with illegitimate children; the proposed law, therefore, would have an *ex post facto* effect, which appeared to him a strong reason for opposing it. He denied the fact, as it had been stated with reference to France, by the noble and learned Lord on the Woolsack. The law of France was altogether different from that of this country, since in France they had abolished the law of primogeniture. The women of France got husbands by their virtues; in England women got husbands by their previous pregnancies.

The Bishop of *Exeter* said, he had not seen, though he had heard, of the attack that had been made on his right reverend friend; and he must say, with reference to that attack, that there was no man in this house or elsewhere to whom he would more entirely give credit, not only for the purity of his motives, but for the zeal with which he had exerted himself to carry into effect this measure, of which he, no doubt, conscientiously approved.

Their Lordships divided on the question, that the Clauses stand part of the Bill.

Contents—Present, 42; Proxies, 51; Total, 93. Not Contents—Present, 40: Proxies, 42; Total 82: Majority, 11.

List of the CONTENTS.

PRESENT.

Holland
Melbourne
Mulgrave
Lansdowne
Duncannon
Lord Chancellor
Bishop of London
Auckland
Chichester
Conyngham
Poltimore
Radnor
Howden
Charlemont
Richmond
Sutherland
Howard of Effingham
Mostyn
Ducie
Norfolk
Gosford
Queensbury
Stafford
Bolingbroke
Torrington
Westminster
Clanricarde
Lynedoch
Stradbroke
Elphinstone
Leitrim
Foley
St. Vincent
Leinster
Salisbury
Wellington
Bayning
Rosslyn
Lilford
Bishop of Derry
Bishop of Hereford

List of the NOT CONTENTS.

PRESENT.

Cumberland
Gloucester
Beaufort
Thomond
Bristol
Londonderry
Aylesford
Sefton
Rosse
Orford
Romney
Wilton
Shaftesbury
Delawarr
Falmouth
Westmorland
Jersey
Verulam
Orkney
Poulett
Warwick
Kinnoull
Mountcashel
Tweedale
Colville
Boston
Strangford
Teynham
Redesdale
Wynford
Kenyon
Rolle
Bexley
Bute
Ravensworth
Alvanley
Archbp. of Cashel
Bishop of Exeter
Oxford
Rochester.

PROXIES.

Clancarty
O'Neill
Dorset
Sinclair
St. Helen's
Onslow
Loftus
Dartmouth
Macclesfield
Walsingham

Harewood
Cholmondeley
Hertford
Arden
Manners
Farnham
Guilford
Wodehouse
Buckingham
Eldon
Malmesbury
Grantley
Enniskillen
Brownlow
Norwich
Delamere

Carrington
Carbery
Longford
Combermere
Pembroke
Hardwicke
Heytesbury
Newcastle
Rodney
Bishop of St. Asaph
Hereford
Salisbury
Durham
Bristol
Carlisle
Worcester

The Earl of Abingdon paired off.

Several verbal amendments were made to the Bill.

The Duke of *Wellington* moved several Clauses which had for their object to alleviate the severity of the Bill towards the female. The noble Duke read the clauses.

The Marquess of *Westminster* said, he should with great pleasure second the amendment of the noble Duke, convinced as he was of the clauses being a very desirable amendment of the measure.

The Bishop of *London* said, he would not consent to the alteration just now suggested as to bringing the question before the Quarter Sessions. It would render the Bill far less efficient and unsatisfactory in its operation.

The Marquess of *Lansdowne* expressed his intention to support the clauses recommended by the noble Duke. It would tend to remove objections entertained by many to the Bill, and alleviate the severity imputed to the clause rendering the female liable to the maintenance of a bastard child. It was but fair that the burthen of supporting it should be shared by the two persons considered to be its parents, when they could be identified.

Lord *Wynford* had no other objection to the clause than that he thought the enactment would entail very heavy expenses on the parishes. The same object he thought might be effected by empowering a certain number of the Magistrates out of session to make orders conformably with the object of these clauses.

The Bishop of *Exeter* said, he would not conceal his gratification at finding that these clauses had been moved as an amendment to the Bill. If any thing was wanting to display the complete iniquity of the Bill, and particularly that part of it to which he had given his strenuous opposition, it was furnished by the necessity the noble Duke and the noble Lord found themselves under of bringing forward these clauses to mitigate the severity of their own Bill. It appeared then that when the poor female had been completely exhausted of all means to maintain her child, and not until this distressed state had reached her, the partner of her offence was to be called upon to contribute—not to her in her distress, observe, but to the parish itself, which hardly needed the contribution. He was glad this had occurred, because it exposed in the strongest light the great and flagrant injustice which it was apprehended even by its friends must result from the Bill.

The Duke of *Richmond* asked the reverend Prelate what was the case at present? Did the Magistrates now ever make an order on the supposed father until they were applied to by the mother. The language used as to the measure he thought was too harsh, especially coming from the quarter it had. The object of the Bill was to discontinue the practice of giving women money to settle questions of bastardy by way of bargain, and do away altogether with forced marriages between persons who had neither respect nor affection for each other.

The Marquess of *Salisbury* had occasion to witness in his capacity of Magistrate that the frauds of women practised in the affiliation of children were endless. He thought that bringing these cases, under these circumstances, before the Quarter Session would be attended with great benefit to the public.

The Amendments agreed to, and the Bill passed.

The following Protest was entered against the passing of the Poor Laws' Amendment Bill.

"Dissentient;—

"1. Because this Bill is unjust and cruel to the poor. It imprisons in workhouses, for not working, those who cannot procure employment, and others for not maintaining their families who cannot, by the hardest labour, obtain wages sufficient to provide necessaries for their wives and children, although the want of employment and the low rate of wages have been occasioned by the impolicy and negligence of the Government.

"2. Because the present rate of wages, insufficient as it is, cannot be sustained, or employment found for the poor, or their condition materially improved, without ameliorating the condition of the Irish poor.

"3. Because we think that no necessity or sufficient expediency has been established to justify the withdrawing of the power of executing the Poor-laws from the local authorities, and transferring them to a Board so constituted as proposed by the Bill, and possessing the arbitrary powers conferred on three Commissioners appointed, and removable, by the Crown.

"4. Because we think the system suggested in the Bill, of consolidating immensely extensive unions of parishes, and establishing workhouses necessarily at great distances from many parishes, and thereby dividing families, and removing children from their parents, merely because they are poor, will be found justly abhorrent to the best feelings of the general population of the country; and especially, inasmuch as it introduces the children of the agricultural poor to town poor-houses, it will conduce greatly to the contamination of their moral principles, and be calculated to prevent their obtaining in youth those habits of industry most likely to be beneficial to them in after life.

"5. Because the alteration of the Law of Settlement is calculated to operate unjustly, and to lead to still more extensive removals and more intricate lawsuits than the law as at present existing.

"6. Because the alterations made in the Bastardy-laws are inconsistent with the principles of Christianity on which the Parliament of the united empire has always professed to proceed, since, both parents, being equally bound by those principles to maintain their offspring, the father, being more able to contribute to that maintenance than the mother, ought to pay more largely, whereas by this Bill he is all but exonerated from any such obligation.

"7. Because we consider that nearly all, if not all, the evils which may have existed in the administration of the present laws might have been corrected by a short Act, securing the due administration of the Poor-laws under the control of the existing magisterial and other local authorities.

"KENYON.

"(For the 4th and 6th reasons)

"H. EXETER.
"ROMNEY.
"ROLLE.
"WYNFORD.
"MOUNTCASHEL.

"(For the 1st and 6th reasons)

"PENSHURST.
"TEYNHAM."

The following Protest was entered against retaining the 55th Clause in the Bill.

"Dissentient:—

"1. Because the parts of the Bill which it was proposed to reject impose the charge of maintaining every bastard child on the mother alone, thus laying on one of the parents the whole of a burthen which by the most obvious dictate of natural justice, and the plainest deduction from the law of God, ought to be borne equally, or in proportion to their several ability, by both.

"2. Because the burthen thus laid on the mother, in a degree far beyond her power to bear, will ordinarily place and keep her in permanent and absolute dependence on parish relief; and coupled with another provision which makes any man who shall marry such mother liable to the maintenance of her child, can hardly fail to encourage the most unbounded licentiousness, for as the woman is thus shut out from all prospect of marriage, and as both she and her spurious progeny, present and future, be they as numerous as they may, will be all maintained by the parish, without further shame, suffering, or inconvenience to herself—as, in short, she will be deprived of all the aids to virtue which Providence has mercifully given in temporal objects of fear and hope, it can hardly be doubted that her own incontinence and the absolute impunity held out to every man who after she has once borne a child may choose to offend with her, will make almost every such woman to become a common prostitute, and every workhouse of which such women are inmates to be a common receptacle of prostitutes, from which they will carry on their vicious courses with little or no effectual restraint, unless the workhouse itself be converted into a gaol, and every woman who bears a bastard child, and is too poor to maintain it without assistance, be consigned to lasting imprisonment.

"3. Because another and more appalling consequence may be expected to ensue, in the case of those unhappy women who, after their fall from chastity, still retain some perverted feelings of honour, which the provisions of this Bill are too likely to place in conflict with the best instinct of their nature, tempting them to the destruction or the abandonment of the wretched infants, whose lives cannot be sustained without subjecting their mothers to so much of lengthened misery and degradation.

"4. Because, while such is the injustice, and such the frightful tendency, of the provisions of this Bill, as they affect women, its probable effect on men are less to be deprecated. From men in humble life the Bill removes one of the most powerful checks on their licentious appetites, which Providence has imposed in the cost and burthen consequent on the indulgence of them, thus opposing itself to God's holy institution for the continuance of the species by lawful wedlock. It does more—it directly tends to harden the hearts of men, to aggravate their natural selfishness, to pervert and corrupt their moral sensibility, to make them deem themselves released by Act of Parliament from one of the first and most obvious duties which the laws of nature—in other words, the laws of God, impose—a duty which must endure so long as the relation of parent and child shall subsist—a duty which no man who deserves the name of man has ever yet dared to set at nought.

"5. and lastly. Because a law which professes on the face of it to bear so unequally on two parties whose moral guilt must be deemed equal—imposing its burthen with exclusive and extreme severity on the more helpless, leaving the stronger and the abler absolutely untouched, (even by the provisions subsequently introduced) so long as the weaker party is capable of bearing anything, and then interfering, not on the principle of equal justice, but solely to indemnify the parish from any excess of charge which the exhaustion of the mother may make it impossible to wring from her—because such law cannot carry with it that which is indispensable in all wholesome legislation—the sanction of public opinion; but proceeding on the unchristian principle of doing evil that good may come, must like every other such attempt fail of the end proposed, with this unhappy aggravation of the failure, that it tends to shake the confidence of the people in the justice and righteousness of the laws in general, and to impair their respect for that Legislature which shall have ventured to enact it.

"H. EXETER.
"PENSHURST.
"FALMOUTH.
"ROLLE.
Aug. 8. "MOUNTCASHEL."

HOUSE OF COMMONS,

Friday, August 8, 1834.

MINUTES.] Bills. Read a third time:—Starch Duties' Repeal; Spirit Duties.

Petitions presented. By Captain GORDON, from Aberdeen, against the proposed reduction of the Duty on Spirits distilled in Ireland.—By Mr. B. CARTER, from Portsmouth and Portsea, against any increase of Duty on Spirit Licenses.—By Mr. E. L. BULWER, from Lincoln and other Places, to the same effect.—By Mr. FEARGUS O'CONNOR, from the County of Mayo, for Relief from the payment of Grand Jury Cess.

MILITARY FLOGGING.] Colonel *Evans* presented a petition from the churchwardens, overseers, and parishioners of St. Martin's-in-the-Fields, against military flogging. He was of opinion that military flogging was not necessary to maintain the discipline of the army. He was not one of those philanthropists who viewed the question merely as a matter of cruelty inflicted on the offender, but he looked at it as a dishonour and degradation to the British army; and even granting the punishment to be abstractedly good, he contended that, in the present state of the public mind, it ought not to be continued. The French army was one of the most efficient in the world, and yet the practice of military flogging was not known in it. He had been told it was unwise to set up the French army as an example to those by whom they had been vanquished, but he would remind the House that the Roman army, which was the best disciplined that ever existed, carefully studied the custom and discipline of the various armies they overcame. Our troops were certainly much more civilized than the Russian boors, but even in that army the practice of flogging was much less frequently resorted to than it was in our own. It was well known that no soldiers were more attached to the service than the Russians, and that desertion was rarely known to occur. He was of opinion a substitute might be found, but that substitute must be a severe one to maintain the discipline of the army. He would not say, that in very severe cases corporal punishment should not be adopted, but he thought, it would be much better that, in the most depraved instances, for the sake of example, capital punishment should be inflicted, than a repetition of what had proved worse than useless. In the course of last year 9,000 Courts-martial had taken place, and 5,000 soldiers had passed through the public gaols. The principle crime was that of drunkenness; but what did it show? Did it prove that flogging, which was now used, should be more frequently resorted to, or that it should be abolished? It was a maxim in punishment, that whatever mode of punishment excited the sympathy of the spectator in favour of the criminal was injurious. This alone he considered a sufficient objection to the continuance of corporal punishment, for whenever a flogging took place, the offender was considered an object of pity, and the offence of which he was guilty entirely overlooked. The difficulty was, to suggest a substitute, and what he proposed was, that some of the measures of the French minister Marshal Soult, which had been published, should be adopted in the British army. He proposed, that the power of the commanding officer to punish should be increased; that the power to imprison, which was at present for only thirty-eight hours, should be greatly extended, that the offender should be fed on bread and water, mulcted of his pay, kept to hard labour, with a weight tied to his leg if necessary, and that those who had been frequently flogged should be discharged the army and sent to the colonies. He thought the system of granting discharges in the British army was erroneous; the good man who possessed the means was allowed to purchase his discharge, while it was not in the power of the commanding officer to take any step to rid the army of the bad men. Whatever view the House might take of the question, this degrading punishment, he trusted, would not be suffered much longer to continue.

Mr. *Tennyson* said, he had been intrusted with a similar petition from some of the inhabitants of Westminster, and he would take that opportunity to present it, that both petitions might be disposed of at the same time. The hon. Member expressed the deep abhorrence the petitioners entertained of the practice of military flogging, and their disgust at the scene which had lately taken place at St. George's barracks, and earnestly hoped the system would be entirely put an end to. He considered the degradation of corporal punishment calculated to destroy that high sense of moral feeling and honour which should always animate the British army, and hoped to see it speedily abolished. He was happy to hear that a commission was about to be issued, but trusted it would not be composed entirely of officers.

Sir *John Byng* said, nothing was more calculated to insure a fair consideration of the question, and the hope of an entire abolition of the practice of flogging, than the temperate tone in which the subject had been discussed. He was far from finding fault with those individuals who petitioned the House on this subject, feeling satisfied that they were actuated by the most humane and generous motives; he was only desirous to observe that those were much mistaken, and knew very little of the character of British officers, who supposed they were opposed to the abolition of this punishment from any other motive than a wish to uphold the discipline of the army. He was free to admit, that public opinion had now advanced to that stage that some alteration must take place. Nothing was more difficult, in his opinion, than to find a substitute for flogging. He believed, that no substitute would be so good as that of solitary confinement, but even that was liable to many objections. It could not be adopted when the army was on active service or on march. Then with respect to mulcting a soldier of his pay, he thought, such a mode of punishment likely to lead to the most serious consequences, as there was no question on which a soldier looked with greater delicacy. Every substitute was liable to many objections, and, therefore, the wisest course would be to let the question be fairly and fully investigated by the commission which was about to issue. He suggested that, if the commission should be composed of any individuals who were not military men, the present and the late right hon. Secretaries at War should be among the number. He knew there was no Member of that House more averse to military flogging than the right hon. member for Nottingham (Sir J. Hobhouse), and that, whether in office or out of office he had done all in his power to put an end to it. For his own part he believed, from the feeling that was entertained by the present Ministry, the practice would be shortly done away with; but his recommendation was, that it should not be done hastily nor without the most mature consideration.

Sir *Edward Codrington* congratulated the House on the altered tone in which this subject was debated, and that the argument did not proceed upon the supposition that naval and military men felt a pleasure in the exercise of the power of administering the lash. He could only say, when it had been his painful duty to witness a flogging he had nearly fainted, though nothing else had ever caused him to faint in the whole course of his life. Those persons who taunted British officers with a delight in the exercise of the power of flogging knew very little of the subject, or of the character of those who had the command of the navy. When he had the power in his own hands, he should have been very glad to have got rid of it, or to have delegated it to some other person. He should be glad to see the practice abolished, if a substitute could be found to maintain the discipline of the army; but until that substitute could be found, the power should be retained, no less in behalf of the good soldier than the bad. The practice of flogging was continually resorted to by the civil magistrate—it took place under their own eye—and yet no complaint was ever made against the Magistrate for awarding such a punishment. So long, therefore, as it was made use of in one part of the public service, why should it not in another?

Mr. *Buckingham* said, the army and the navy, it was well known, contained many inferior men, and what was the reason? Why, when men had been found unfit for anything else, it was said, "Oh, they are quite good enough for the army and navy." It was not to be wondered at, therefore, that so much insubordination and crime prevailed in the army; and so would they continue to prevail as long as the army was supplied with bad men. To render the army effective, and to make punishment unnecessary, an inducement should be supplied for better men to enlist. For his own part he believed, that drunkenness was the principal cause of the crimes and insubordination that existed in the army. He recommended that the higher offices of the army should be open to every man who entered it, and that they should be attained by those who exhibited good conduct and attention to military duty. He thought by giving men an inducement to behave well by the prospect of rising in the army, the commission of crime would be diminished, and corporal punishment rendered unnecessary.

Colonel *Leith Hay* thought it necessary to observe, that steps had been taken to afford the means of increasing the punishment of solitary confinement in the army. A report had been made to the Board of Ordinance in the year 1831, from certain persons appointed to inquire into the extent to which solitary confinement could be adopted in the army. That Report stated, that 102 cells would be equal to all that was required for the whole of the military. In conformity with that Report ninety-eight cells had been completed at the different barracks. With regard to the conduct of Colonel Bowater, he would remark, that it was not in the power of Colonel Bowater to alter the punishment awarded. The offender could not have been taken before any other tribunal, drunkenness and mutiny being cognizable only by a district Court-martial, and not a regimental Court-martial, except under circumstances of a very peculiar nature. As the offence, therefore, was one which could only be tried by a district Court-martial, and as Colonel Bowater did not possess the power to diminish one stroke of the sentence awarded by it, no possible blame could attach to that gallant officer.

Mr. *Wilks* said, that when the brave and gallant Admiral had fainted at the sight of a military flogging, there was some foundation for the sympathy of the people of England. He trusted, that the statements which had been made to-day would be satisfactory to the public. The feelings of humanity could not much longer be outraged by the infliction of corporal punishment, the result of which had been rather to increase than diminish crime. He agreed with the hon. member for Sheffield, that they must endeavour to introduce into the army and navy a superior body of men instead of the refuse of the gaol and the workhouse, and encourage good conduct and honourable ambition, by the prospect of rising to the highest station.

Sir *Samuel Whalley* contended, that military flogging was not necessary to maintain the discipline of the army, as was proved by the 3rd regiment of guards in which no flogging took place. During the Peninsular war the greatest subordination prevailed in that regiment without having once resorted to the practice. He trusted the commission would not be composed entirely of military and naval men, such persons being no more competent to judge of the propriety of military flogging than a body of schoolmasters to judge of flogging school-boys.

Mr. *Craven Berkeley* said, the case of Hutchinson had been much misrepresented, and he thought it much better for those individuals who wished to see the practice abolished to say no more on the subject, as it would only tend to prejudice their case.

Sir *Thomas Troubridge* was of opinion that, at least, much good would be done by the discussion. He thought the public would feel assured that the subject was seriously taken up by the Government, while the commission which was about to issue would be productive of general satisfaction.

Mr. *Ashley Cooper* stated, as far as his own military experience went, he could say, that corporal punishment was more frequently administered for stealing necessaries, which was the most general offence in the army, than for any other crime.

Captain *Gordon* would be glad to see any punishment proposed that would meet his views as a substitute for corporal punishment, but until that was done, he could not consent to the entire abolition of the practice.

Mr. *Ruthven* was persuaded, that the crimes which took place in the army were all the consequence of the prevalence of drunkenness. If the soldier were deprived of the means of getting drunk, crime would be diminished, and the punishment of flogging rendered unnecessary.

Sir *Edward Barnes* said, if he saw any one system of punishment brought forward as a substitute for military flogging, it should have his support. The suggestions with respect to solitary confinement, and other substitutes, he considered liable to great objections or quite impracticable, and he could not consent to the abolition of corporal punishment until some more effective substitute was suggested.

Colonel *Peel* was of opinion, that much delusion prevailed on the subject of solitary confinement. He was persuaded, from fifteen years experience, that it would be inefficacious as a substitute for flogging. He was well acquainted with an instance of a regiment where solitary confinement was adopted, and found quite inadequate to prevent the crime of desertion, which at that time prevailed very much in the regiment. The mere threat, however, of the administration of the lash in the next case of desertion that occurred, had the effect desired by the commanding officer. He, therefore, was of opinion, that military flogging ought not to be abolished without the greatest caution, and the most mature consideration and inquiry, and not until some effective substitute were found.

Mr. *Ellice* came down to the House on the present occasion rather to hear the observations that might be offered on this most important question than to offer any of his own, and he felt pleasure in saying, that nothing could more conduce to promote a satisfactory adjustment of the subject, difficult and embarrassing as it was, than the tone and temper with which it had been treated by every Member who had addressed the House. He was desirous, in the first instance, to correct a misstatement he had made to the House on a former occasion, not from any fault of his own, but arising out of the error of others, who misunderstood the nature of the return to which he referred. When he last addressed the House on this question, he stated, that the officers who made out the return for the last year, had informed him, that one-fifth of the British army had passed through the different gaols of the country. The officers by whom the return was made, calculated the proportion only upon the number of persons serving in the army in England, without including the garrisons in Ireland. When the proportion, therefore, was computed upon the whole army, both in England and Ireland, it was found not to amount to more than half the amount of what he originally stated. But even that result showed a frightful increase of crime. With respect to the gallant officer (Colonel Bowater) whose conduct had been the subject of so much animadversion, he felt it was only doing justice to that gallant Officer to say, that he had no more power to diminish or mitigate the sentence passed upon private Hutchinson, than any Member of that house; it was only his duty to see it carried into full effect. He had been asked by several hon. Members of what class of individuals the commission would be composed. When he stated that a commission should be appointed, he only mentioned it as his own view of the case, after a very full and mature consideration of the subject. He then stated, that the subject would undergo a very serious consideration by his Majesty's Government, and that a commission of experienced and competent individuals would be appointed for that purpose; but he had not yet decided upon the precise form of the commission, or the individuals of whom it ought to be composed. Nothing further had yet been done than collecting together the documents and all the evidence bearing upon the question that could be obtained, which it was the intention of Government to refer to the consideration of the commission; but of what individuals that commission was to be composed, had not yet been decided. It was of the greatest importance that in forming the commission two great principles should not be lost sight of, namely, that such a selection should be made as to obtain the confidence of the public, and hold out an assurance that the result of the inquiry would set the matter at rest, and at the same time to be extremely cautious that it was placed in the hands of persons who would, from their experience in military matters, give the country a pledge that military discipline and the effective force of the army would not be in the slightest degree impaired by any alteration which might be recommended. He thought it would be much better to leave the formation of the commission entirely in the hands of Government. He could assure the House that he paid the greatest attention to the suggestions that had proceeded from hon. Members, as well as those which he had received from all parts of the country. He was well aware of the importance of a speedy determination of the question, and agreed perfectly in the doctrine that the moral condition and improvement of the army could only be considered in time of peace; but he, nevertheless, would not consent to an alteration of the present law without the most mature consideration, and the fullest evidence being gone into. The intoxication which had increased in the army to such an alarming extent, and was undoubtedly the cause of a great deal of the crime that took place, should be most specially considered, and an attempt made, if possible, to put a restraint upon it. This subject was one which ought to occupy the most serious consideration of the commission, as a great deal of insubordination arose from the effect of example alone. It was impossible the House could be aware of the difficulty with which the question of a substitution of punishment was surrounded. Not one of the suggestions of the hon. and gallant member for Westminster had been overlooked, but there was found to be an objection to each that was almost insurmountable. He would, however, remark, that every hope that could be grasped at, let it be ever so small, should not be suffered to slip in the endeavour to strangle the habit of drunkenness in the army. It would also be with the greatest care and caution that any diminution in the pay of the soldier should take place. It would be better to disband the army altogether than run the risk, by rousing a spirit of insubordination, to compromise the interests of the army both at home and abroad. If the practice of flogging was to be done away with—and he sincerely hoped it would—some sufficient means should be adopted to assure the officers of the army and navy that such a substitute would be provided as would ensure and maintain the discipline of the British service. He could assure the House that from the communications he had received from the officers in the army in every part of the country, an opinion was entertained by military men in perfect conformity with the public feeling, and was entirely in favour of an improvement in the mode of punishment resorted to in the army. He would only add, that if it were upon the ground of the sympathy which had been manifested in the case of private Hutchinson, it was the duty of Government to conform, as far as possible, to the wishes of the public, as no punishment was so bad as that which excited sympathy for the offender, and feelings of indignation toward those whose painful duty it was to administer it. He thought such a commission should be appointed as would not shrink from declaring that it was necessary for the discipline of the army the punishment should be continued if the evidence justified that conclusion. He also trusted, however the commission might be composed, that they would receive evidence from civilians as well as from military men, and that every man who had stated his opinion in that House would not only be afforded an opportunity to declare his sentiments before the commission, but would undergo examination, if he pleased, in order that the fullest and most perfect evidence on the subject might be obtained.

Colonel *Williams* said, so far as his experience, which was nearly half a century old, went, he would say that it was impossible to do away with flogging altogether, although he had always deprecated the frequent use of the practice. It was a punishment which ought always to hang over the heads of incorrigible villains. He was satisfied, moreover, it was rendered necessary by the prevalence of drunkenness, which was the principal cause of the crimes which were committed, and that it could not be abolished until intoxication was put an end to.

Colonel *Evans* was perfectly satisfied with the speech of the right hon. Secretary at War, and stated, that separate Acts of Parliament for war and peace might be passed if necessary.

Petitions laid on the Table.

CONSOLIDATED - FUND - APPROPRIATION.] Lord *Althorp* moved the Order of the Day for the third reading of the Consolidated-Fund-Appropriation Bill.

Mr. *T. Attwood* considered the Appropriation Bill the most important measure in the Session, and yet it had been usual to pass it through the House literally in the twinkling of an eye. He was not disposed now to trouble them with any kind of remarks, but as several little matters had already been occupying their attention, he thought he might as well ask of the noble Lord one little question. He wished to know whether the foreign honour of this country was in safe keeping. He had lately paid some little attention to foreign affairs, and his opinion sincerely was, that England had every year been sinking deeper and deeper in political degradation. He did not particularly allude to the state of affairs in the Peninsula, but generally to Holland, Turkey, and Russia. Russia had been for a long period encroaching on England, and daily and hourly insulting her; and he wished in good faith and sincerity to ask the noble Lord whether, when all these immense resources were placed at the disposal of Government, their object was to purchase the degradation of England? If the effect would be to support the foreign honour of the nation, he should be quite content, although it was at the expense of domestic misery. He had no objection to their maintaining great armies and magnificent fleets, if it was not to be altogether in vain; but he would decidedly object to the passing of bill after bill if, under the pretence of supporting English interests, they were allowed to sink every year deeper in degradation and disgrace. Were they, after permitting Russia, in defiance of the honour of England, to retain quiet possession of Poland, to sit down and allow that power also to usurp the dominion of Turkey? He did not wish the noble Lord to make any disclosure that might be inconsistent with a due regard to the public service, but he trusted he should receive an assurance that the honour of England, athough long suspected, was not altogether sacrificed.

Lord *Althorp* was happy to be able to give the hon. Member the assurance that the honour of Great Britain was supported abroad, and that it had sustained no detriment.

Mr. *Hume* wished to know in what manner the sum of 100,000*l.* given by the Bill in perpetuity for the payment of part of the tithe property of Ireland was provided for.

Mr. *Littleton* said, that the 100,000*l.* was taken, in the first instance, from the perpetuity fund as far as it would go, and the deficiency was to be supplied from the Consolidated Fund.

Mr. *Shaw* observed, that the whole measure of the Irish Tithe Bill was a gross delusion; and that any expectation of ever recovering the money which was to be advanced to carry the Bill into effect, was entirely fallacious.

Mr. *Littleton* expressed his firm conviction that the result would, in all respects disappoint the hon. and learned Gentleman's expectations. But if it should not be so,—if it should turn out that some sacrifice was necessary,—it must be recollected that that sacrifice was for the pacification of an entire country. The measure was one to which the Protestant clergy of Ireland were looking with hope and confidence. Among other representations on the subject, he had received a communication from the whole of the Protestant clergy of the diocese of Dromore, declaring, that if the Irish Tithe Bill were not to pass into a law, they should regard the consequences with the utmost apprehension and alarm.

Order of the Day read. On the Motion that the Bill be read a third time, Mr. *Shaw* maintained, that so far from giving satisfaction in Ireland, the Bill had occasioned entire dissatisfaction : he could pledge himself, on his honour as a gentleman, to prove from the clearest materials that four-fifths of the clergy of Ireland were decidedly hostile to it. And not only was he enabled to affirm that such was the opinion of the clergy, but that the opinion of the laity fully coincided with theirs. He might be allowed to say, that he represented the clergy and the gentry of Ireland. Surely hon. Members did not suppose that he meant to say, that his opinions represented the great body of the educated class throughout Ireland; he had not the slightest idea of saying anything more, than that the constituency which he had the honour to represent was composed of the clergy and the gentry of Ireland. The University of Dublin had 2,500 electors, and they all belonged to the classes of the clergy or the gentry. He was, therefore, in communication with those. He believed he had a larger correspondence with Ireland than any Member of that House; and he thought himself fully warranted in affirming that the opinion of the majority ran decidedly in opposition to the tithe measure which had been introduced by his Majesty's Government.

Mr. Secretary *Rice* observed, that the hon. and learned Gentleman, to be assured of that fact, must have had communications with twelve or thirteen hundred persons. He congratulated his noble friend, the Chancellor of the Exchequer, on the great increase of the Post-office revenue, which that circumstance must have occasioned. From what he knew of Ireland, however, he must deny the hon. and learned Gentleman's conclusion. If ever there was a measure which was considered to be for the good of the Protestant Church and the Protestant laity in Ireland, it was the Irish Tithe Bill. He should like to know, to what kind of representations, and what kind of incitements, the 1,200 letters received by the hon. and learned Gentleman were replies. He trusted that the prophecies of the hon. and learned Gentleman on this subject would prove as fallacious as all his former prophecies. Nobody could for a moment believe, that the Protestant clergy of Ireland would experience the inconveniences in their transactions with the landlords of Ireland, who were also chiefly Protestants, which they would have reason to apprehend in any transactions with the impoverished peasantry. He was sure nothing of that kind would occur. He was sure that the landlords of Ireland would give every possible facility to the arrangements on the subject. But in what condition would the Protestant clergy of Ireland be placed, if, instead of obtaining the advantages of the Bill, they were thrown back on the peasantry of that country, under new circumstsnces of excitement and discontent? He was convinced, that by placing the burden on the landlords they had got rid of the greatest cause of complaint and dissatisfaction. He considered the Irish Tithe Bill as one of the best answers that had ever been made to the cry for the repeal of the Union; and that, connected with the generosity which this country had exhibited on the occasion, it would do more to cement the Union, than any act which could be imagined. If the hon. and learned Gentleman's predictions were to be verified, and if the Bill were to fail, the Church of Ireland would be in extreme danger. No man was more attached to the Church of Ireland than he (Mr. S. Rice) was. He had supported the Bill, for the sake of that Church; for he could not contemplate a continuance of the existence of the Church of Ireland if the Protestant clergy of that country were, by any circumstances, to be driven back to contend for their rights with an impoverished tenantry.

Mr. *Ruthven* agreed with the right hon. Gentleman who had just spoken, that if some such Bill as the Irish Tithe Bill were not adopted, there would be an end to the Protestant establishment in Ireland. He believed, that by the adoption of that measure, the Protestant clergy of Ireland would be placed in a much better situation than they had ever been before. He considered it a great advantage to them, and that it would save them from utter destruction.

Colonel *O'Grady* was in constant communication with his constituents, and he was happy to say, that out of all the clergy who resided in the county which he had the honour to represent, he had not received a single letter against the Bill. He understood, also, that all the gentlemen of the Grand Juries of Cork, Limerick, and Kerry, concurred in entertaining a favourable opinion of the Bill. He trusted that it would succeed. If it failed, it was clear that the whole of the tithes would go into the pockets of the landlords, and the Protestant establishment in Ireland would be irrecoverably lost. It was an awful moment, but he trusted that all classes would do their duty.

Mr. *Lefroy* was satisfied, whatever certain persons might have communicated to the right hon. Secretary for Ireland, that the great body of the laity would never join the conspirators in their endeavours to overturn the Church of that country.

Mr. *Hume* said, those persons were greatly mistaken who supposed that the clergy of Ireland would be dissatisfied with this Bill. If the Bill did not pass, what would they do—what would become of them? For his own part he almost wished it would not pass, and then they would see in another year how different a shape the Church question would assume. The present measure was, undoubtedly, one of great liberality, and if defeated, would never be followed up by anything half so advantageous to the Church. The hon. and learned Recorder of Dublin (Mr. Shaw) would surely not allege that the clergy were indifferent to the peculiarity of their present situation, or that they did not know their own interest. If they did not choose to take what was now offered, he (Mr. Hume) would tell him that they might go without, for that House, he was satisfied, would vote them no more English money. Therefore, let them take that or none. That was the understanding, and it must be abided by. But what they had done he contended was wrong—it was wrong to vote 100,000*l*. to keep up the Church in Ireland. Instead of thus voting money to keep it up—they ought rather to cut it down to the real wants of the Protestant portion of the community. They burthened the Exchequer, and did not do away with the dissatisfaction. He wished in that, the last Act of the Session to say a word or two to his Majesty's Ministers. And he must tell them plainly, that the country had been wholly disappointed in its reasonable and just expectations of amelioration and reform. Before the Parliament met, the people had naturally been indulging the hope that substantial reforms were preparing—that during the recess Ministers were maturing and perfecting those plans of relief which naturally sprang out of the great measure of reform. They had indulged the hope not only of reforms of a civil and financial character, but of a great and searching reform of the abuses connected with the Church Establishment, and the Sovereign himself from the Throne had adverted to these necessary reforms, thus giving the fullest sanction to them. They had also expected that those who were looked upon in some degree as an exclusive class in the country—as men beneath their fellow-men belonging to another creed—would receive an early and full relief from disabilities under which they had too long been permitted to labour. Did the Acts of his Majesty's Ministers satisfy any of these reasonable expectations? Assuredly not. Why, what was the amount of all that had been effected by the Government? Only one Bill which could be called a public Bill—that for the Amendment of the Poor-laws—had yet been passed. The Tithe Bill had been carried through that House certainly, but it was not yet passed. Every other measure introduced by his Majesty's Ministers had failed. Therefore was it that he (Mr. Hume) said, he was not at all surprised at the feeling of disappointment which so generally prevailed throughout the country. At the same time he must admit, there were some redeeming matters on which the public might look with satisfaction. They had fortunately removed from the Cabinet the Members who were most strongly adverse to those reforms on which the people were most bent. He could congratulate the country on being in a better situation in this respect. He did not wish to refer, in support of what he said, to any of those hon. Gentlemen who more peculiarly coincided in his views and acted with him, but he would appeal to the most moderate man in that House to stand up and say, if the expectations of the people had not been most signally defeated? He trusted these complaints would not have to be made at the close of the next Session. He hoped for better things. They had now got a Government which he hoped, by its acts, would prove itself a firm, steady, and liberal one. If this were the case, the people would soon cease to complain—they would not look back with dissatisfaction, but would rather look forward with confidence and hope. He would, before sitting down, take the liberty of saying a word or two to the noble Lord the Chancellor of the Exchequer. The noble Lord and his colleagues would now have time to look about them—they would have six months before them in which to prepare those measures which must infallibly be decided during the ensuing Session of Parliament. Those measures must necessarily be of a bold and decisive character, or they would not be final. They must have in that House no more piecemeal legislation—no scrap-work—no bit of reform here and bit of reform there--but they must have those large and comprehensive measures which would have regard to the interests and the welfare of all. They must cut down the Irish Church to its proper dimensions—they must give the most ample relief to that class which, in his opinion, formed the majority of the people—they must apply themselves to the reform of the Church of England—they must do away with the abuses of Corporations—a subject, by the way, which the noble Lord himself admitted to be next only in importance to the great question of Reform itself; and they must again go unsparingly to work in reducing the expenditure of the country. With respect to the latter subject, he had no hesitation in saying, that considerable reductions might be made in several of the great departments without impairing the efficiency of any branch of the public service. The collection alone of the public revenue amounted to between 3,000,000*l.* and 4,000,000*l.* a-year, and this, he was satisfied, without doing injury to any party, or to the State, might be reduced by one-third. The noble Lord (Lord Althorp) had, on many occasions, expressed himself friendly to the consolidation of various departments of the public service. Now what was there to hinder the noble Lord from consolidating the Excise, Customs, and Stamp-Duties' Offices? The Army, Navy, and, above all, the Ordnance, must in the next Session be greatly reduced. By the weakness of the late Administration the control of the army was taken from them, and, therefore, there could be no great wonder that reform had not been more efficient. Was the army still to be beyond the control of the Government? Such a state of things ought never to have been, and if it did continue, means ought to be promptly taken at once to put an end to it. The army was far too great—its numerical amount ought to be reduced. Now, that they had applied a real and substantial remedy to the great grievance of Ireland—and a costly one it was for this country—they had a right to expect a reduction of 10,000 to 12,000 of the 24,000 soldiers at present quartered in that country. If the sacrifices made by this country were not to be followed up by such results, where, in the name of God, was the policy in agreeing to them. He (and with him he was sure the country at large) would look for most material reductions in the expenditure for the army, as well as that for the Colonial and Ordnance Department. Why, in the latter department he found that the salaries of officers for preserving the stores amounted to very nearly twice as much as the stores themselves: the stores cost 40,000*l.*, the charges for management 73,000*l.* Could any one suppose, that the country would rest satisfied with such glaring abuses? The fact was, the whole of the military branches ought to be consolidated. These ameliorations must be followed up by others, more especially those which bore upon the manufactures and productive industry of the country. Ministers must meet the question of the Corn-laws fairly and manfully, and if they gave way to a little pressure from without, he (Mr. Hume) did not think they would do the less justice to the manufacturer. Those laws injured all classes without doing any real or permanent good to that one which it was intended should be benefitted by their enactment. They, in fact, starved one portion of the community on the plea of giving warmth to the other. However, he should not go further—he thought he had marked out work enough for the noble Lord, and yet not more than with his many assistants he was able to accomplish. Let it, however, be recollected, that the noble Lord had plenty of hands to assist him—it was his duty to direct—to divide and portion out the work—he was the good genius to whom the people looked to superintend those ameliorations which other individuals must shape into forms. And if he, the noble Lord, only laid down the principles upon which the subordinates were to act, neither he nor the people of this country would, he thought, have much reason to fear the result.

Lord *Althorp* would not attempt to follow the hon. member for Middlesex through all the details of his speech, but would make one or two observations on the main points which he had brought under the consideration of the House. As to the Estimates for the different branches of the public service he must say, that he perfectly agreed with the hon. Gentleman, that they ought to be reduced to the lowest amount consistent with the due efficiency of the public service. He certainly felt it his duty to reduce them as much as possible; but he would put it to the House whether his practice had not been in accordance with his creed—whether real and substantial reductions had not been effected by the Government to which he belonged? Then as to consolidation of offices, the hon. Member had certainly not mistaken his opinions. He always approved of such a course—he had always adopted it when it was possible to do so. At the same time the principle might be carried out to too great an extent, and this he considered would be the case if the Customs, Excise, and Stamp Offices were consolidated. The public service would, he was sure, be inconvenienced by the adoption of the principle in this instance. Indeed, he did not hesitate to say, that great confusion would be the result. But the hon. Member said "how little had been done." He, however, would ask the House to look back. He would freely admit, that more might have been done, but he really believed that no one would fairly charge the fault to the Government. He would ask the hon. Gentleman if he did not think it right to pass the Estimates early in the Session. If that were so, how could Government, at the same time, force on Bills of a complicated nature, involving, perhaps, new principles, and various and important details? Every day on which the courtesy of the House had given priority to the Government, Ministers had strenuously exerted themselves, certainly not to force their measures through, but to get them on as rapidly as was consistent with their own intrinsic importance, and with the respect which was due to the Members of that House. The Estimates were not passed till Easter, and then the Government had pressed on the Poor-law Bill, esteeming it of greater importance than any other measure. But many other important subjects had been entertained though not introduced by the Government, and many discussions had taken place which he hoped would be productive of good. If the Government, however, was to blame, he was the person on whom the censure of the House ought to fall. The fault was in him if business had not been properly pushed. It was, he admitted, very possible—nay, he knew nothing more probable—than that he had not conducted the business in that House in the best possible manner; but of this he was sure, that he never interrupted its due course by long speeches. It was not by addressing the House oftener than his duty required—or by the length of those addresses—that the business of the country was impeded, and if it had been impeded, he did not see by what means he could remedy the evil. If, as had been suggested, he were to bring forward half a dozen important measures at the commencement of the Session, and to throw them at once upon the Table, he would be obliged to abandon most of them, while the progress of those which were pressed forward would be impeded to a very inconvenient degree. He, therefore, considered that it would be the duty of the Government, first to select the measures of the most pressing urgency, and then to adopt the requisite steps for preventing any unnecessary delay to their discussion and progress through the House. He was not enabled, at the present time, to state what were the most important measures, but he could assure the hon. Gentleman that the Government were resolved to introduce such as were necessary for carrying forward, in a temperate and proper manner, the reform which, he must admit, was required in various establishments of the country. He sincerely hoped that the measures which they should introduce would be such as to meet the approbation of the House. The hon. Gentleman had stated, that the Government ought not to heed any slight obstacles which they might find in their way: he would only say, in reply, that their conduct, in regard to the Poor-law Bill, was not such as to afford any ground for the observation of the hon. Member. As to the different details of the Estimates which had been referred to, he did not think it necessary to enter upon them, but he would admit, that it was undoubtedly the duty of Government to make reductions in the establishment, as far as was consistent with the public service. In conclusion, he should only observe, that the Government would take care that in every department, either of collection or expenditure, the most efficient economy should be observed.

Mr. *Pryme* trusted, that a satisfactory adjustment of the Tithe Question would be taken into consideration. Such an adjustment was of the utmost importance both to the landlord and the tenant.

Mr. *William Peter* agreed with the hon. members for Cambridge, and Middlesex, as to the necessity of settling the two great questions of English Tithe Commutation, and of Corporation Reform without delay. The people were most anxious on those subjects; and he trusted that they would not be postponed beyond another Session. With respect to the question more immediately before the House,—the Consolidated Fund Appropriation Bill; he concurred with the hon. member for Middlesex, in thinking that the mode, by which it was proposed, to supply the deficiency of the rent charges by payments out of the Consolidated Fund, was not altogether free from objections. Still the objections were greatly out-weighed by the arguments on the other side, by the probable, or, as he should rather say, by the sure and lasting benefits which must result from the measure. The hon. Member had said, that the money advanced from the Consolidated Fund, would never be repaid. Well, for the sake of argument, suppose such were to be the case; even then he (Mr. Peter) would maintain that the good of the plan greatly preponderated over the evil, that the money was judiciously laid out, was wisely, and advantageously applied. Better, ten thousand times better, that the sum should be expended in peace than in war; better, ten thousand times, that it should go in deeds of conciliation and kindness, than in deeds of violence, and bloodshed, and oppression, than in compelling hollow truces, and reluctant obedience by means of reinforced armies, and renewed coercion Acts! Admitting, then, that the money to be advanced, were never repaid, still he would contend, that this country would be a gainer, even in a pecuniary point of view. But why should this be the case? Why should the money be not repaid? Parliament had the means of repayment within its own power. Should the Perpetuity Purchase Fund; should the funds in the hands of the ecclesiastical commissioners be inadequate, still there were means, ample means, within the reach of Parliament. Let the Consolidated Fund be reimbursed out of the surplus revenue of the Irish Church as soon as that surplus should have been ascertained, and the spiritual wants of the Protestant population, in the fullest and amplest manner provided for. Such an application would be strictly just and warranted by the occasion; it would be an appropriation to purposes strictly Protestant and ecclesiastical. Let the Irish Church have whatever might be required for the spiritual wants and comforts of its Protestant congregations; but do not refuse, do not grudge, some little portion of its surplus funds, of its superfluous revenues, to the payment of so just a debt,—a debt contracted in the service of that Church, for the support of its interests, for the security of its property and institutions. One of the hon. members for the University of Dublin, had reprobated this as a strong, as an unprecedented measure. But was it not a strong case; and did not strong cases require strong remedies? But let that hon. Member, let him and his learned colleague look at Ireland; let them look at the state of public feeling in that country, and consider the difficulties with which the tithe question was encompassed on every side; let them seriously and honestly contemplate all these things, and then let them say, whether they really believed any better mode could be found for setting the question at rest; for settling it with any thing like justice or advantage to all parties? Gentlemen must know the danger of delay; they must all be aware that every month's, every week's uncertainty would embarrass the question with further difficulties, would involve Church property, and Church institutions in deeper peril, and more inextricable confusion. Suppose for a moment (though he could not contemplate the possibility without alarm), suppose the measure should be rejected by the other House of Parliament, what would be the consequences? what would become of the Irish clergy? what would be the fate of their Church? what the situation of Ireland altogether? Would any one pretend to say, that tithes could continue to be levied under the existing law, that even armies could overcome the passive resistance now in operation against them; or, did any one flatter himself that Parliament would again come forward with further advances in aid of the Irish clergy? What then was to be done, or how would the clergy be supported? how were tithes, or any portion of them to be rescued and secured, should the proposed measure be rejected? The more he considered the subject, the more firmly was he convinced, that the only chance which remained of doing anything for the relief of the Irish clergy, or of securing any portion of Irish tithe property, was by adopting the proposed measure; was by transferring the burthen from the shoulders of the occupying tenant to those of the landlord: for this, indeed, the landlords should be fully indemnified, should be largely, and liberally remunerated. For the additional risque and labour thus thrown upon them, they were justly, they were legally entitled to the amplest compensation. But did not this Bill afford it to them? He contended, that it did so, and that the bonus of two-fifths, or forty per cent was adequate and ample. By the first proposition of the right hon. Secretary, in the Bill brought forward by him at the commencement of the Session, the bonus was only one-fifth. For every 100*l.* due from the tenant, the landlord was to pay 80*l.*, retaining the difference, or twenty per cent for the risque and trouble of collection. But this was doubly objectionable; it was neither a sufficient compensation for the landlord, nor did it in any way relieve the occupying tenant, who would have had as much to pay as before,—with the sole difference of paying it to the landlord instead of paying it to the tithe-owner. The right hon. Secretary, therefore, instead of deserving blame, had acted wisely and judiciously in altering his plan—in increasing the amount of compensation to the landlord, and in allowing the tenant to reap the benefit of it during the remainder of his term. So far all was right; but one objection still remained behind, and that was the delay which must have occurred in carrying the measure into execution. The case was urgent, calling for immediate remedy; but the relief might have been postponed for years, might have been deferred until 1839. Ireland might have been in flame,—torrents of blood might have flowed,—Church property might have been irrecoverably lost, before the Act could have come into effectual operation. This was a serious and fatal objection; but, thank God, that objection had been removed, and there was at length, he trusted, every prospect of settling this long-agitated and unhappy question, and of thus extinguishing one of the most prolific sources of Ireland's discords, and of Ireland's woes. The hon. member for the University of Dublin, had, indeed, prophesied that the proposed measure would not succeed. He (Mr. Peter) would not say, that the wish was father to the thought; but he would tell those hon. Gentlemen why he differed from them, and why he thought that it would succeed. It would succeed, he thought, because it was palpably the interest of all parties, of tenants, landlords, and tithe-owners, that it should do so. It was a measure, which would be more or less advantageous to them all. The occupying tenant would be at once relieved by it from two-fifths, or forty per cent of his present burthen; the landlord would be remunerated for his share in the the transaction, by the tranquillized spirit and subordination of all around him, by the improved state of his tenantry, and by the consequently increased value of his property; and finally the tithe-owner would be an equal—nay, a greater gainer; for, though not receiving the strictly full amount, though receiving but 80*l.* out of every 100*l.*, to which he was nominally entitled; he would still receive more, infinitely more, than he could otherwise, by any possible means have hoped to obtain; he would receive it, too, clear of all deductions, free from all risk, and peril, and anxiety. Thus, then, would the measure be for the advantage of all parties; thus, would it be the interest of all to yield it obedience, and to promote its success. He rejoiced, therefore, to see such a measure passing the House of Commons; and he hoped, he prayed, for the sake of Ireland, for the interests of its Protestant Church, for the peace and welfare of all classes and denominations of its inhabitants, that the Bill would not be prevented by opposition in any other place from becoming a law. Sure he was, that the rejection, or even long retardment of such a measure would be fatal to Church property in Ireland,—would be detrimental to the best interests of all classes of the community, whether Catholic or Protestant, throughout that distracted country. Let the opponents, therefore, of the measure pause; let them reflect well on the course which they were pursuing, and on the awful responsibility which they would incur to their King, to their country, and to their God, should they succeed in throwing out, or in long retarding this beneficent measure.

Mr. *Thomas Attwood* was surprised at the pertinacity with which the Irish Tithe Bill had been opposed, as he considered it likely to be of great advantage to the tithe-owners. But he considered that the interests of the clergy were secondary, as compared to those of the farmer. The farmers, or peasantry of Ireland, were, however, all ruined, and considering that their rights were quite as sacred as those of the clergy, or, he might say, much more sacred, they had a stronger claim than the clergy on that House for protection. But he regretted to say, that the most useful classes, in the community, found neither commiseration nor relief.

Mr. *Ewart* suggested, that the indirect taxation of the country should be apportioned on the various classes of the community, in a manner more approaching to the *ad valorem* system. There were many articles used by the poor, which could be easily distinguished from articles of the same character, but of a better quality, which were consumed by the richer classes; and if an *ad valorem* duty were levied upon them, it would be like an indirect Property-tax.

Mr. *Richard Potter* hoped, that the circumstance of the Dissenters not having pressed their claims this Session, would not be against them; but that the Government would feel itself bound to place the redress of their grievances among the foremost of its measures.

Mr. *Warburton* trusted, that the Government would, early next Session, propose the abolition of all taxes on knowledge,—printing, pamphlets, newspapers, ["malt."] No, no; he would say nothing about malt at present. With regard to these taxes on knowledge, their effect was, to transfer the instruction of the humble classes to persons destitute of moral character, who scrupled not to infringe the law, and mislead the people.

Mr. *Baines* said, that a general system of education should be adopted, so as to diffuse useful knowledge throughout the country.

The Bill was read a third time.

BANK OF ENGLAND DEBT.] on the Motion that the Bank of England (Debt) Bill be read a third time.

Mr. *Thomas Attwood* said, that in his opinion, this Bill would provide the Bank of England with the means of playing with the national finances. He hoped that the noble Lord would keep his eyes upon the Directors, and not allow them to contract or extend the circulation for their own purposes, and against the interests of the public.

Lord *Althorp* said, he did not believe that any ill effects would ensue from the payment of this portion of the debt, which was due to the Bank of England.

Mr. *Hume* said, he had no such apprehensions as the hon. member for Birmingham; but his objection was, that this had been a private transaction, although there was an Act of Parliament to prevent a Chancellor of the Exchequer from borrowing privately. If the Chancellor of the Exchequer required three millions and a half to pay off a certain portion of the Bank debt, he ought to have afforded a public opportunity to all parties. to come forward with their offers. He had seen it stated, that there had been a breach of confidence with regard to the annuities; he would only observe at present that if any one body, public or private, had had an opportunity of benefitting themselves to the full extent which the public at large ought to have benefitted, it was highly improper. In the next place, some explanation should be given respecting the terms of the annuities, as they had generally been considered a ruinous system beyond a certain point.

Lord *Althorp* said, that his hon. friend laboured under a mistake. With respect to his making a bargain with the Bank, without going into the money-market and raising a loan, he had done so because the effect of going into the market and making a loan would have been to throw the money-market into confusion, and he believed he had made as good a bargain for the public as he should have done had he raised a loan, whilst he saved the market from a great injury. With regard to the annuities, he was not sorry that the hon. Gentleman had mentioned the subject, as he wished to give some explanation respecting them. There were two classes of annuities—life interests and annuities for terms of years. With regard to the former, they were not so disadvantageous to the public as had been generally supposed. It was, indeed suspected that certain annuities had been purchased upon lives at the older ages, and that the parties so purchasing had gained an advantage over the Government. Inquiries had been made, and it was believed that this advantage had been taken on lives of, and above, eighty years. The Commissioners, in consequence of these inquiries, had determined to exercise the power which they had of refusing any annuities that were disadvantageous to the public, and accordingly they had refused them on ages above sixty-five, unless the party applying wished to insure his own life, where there could be no speculation. With regard to the annuities on younger lives, they were rather advantageous to the public. As to the second class of annuities, they were by no means disadvantageous; but where a very large amount of permanent debt was converted into annuities for a term of years, the annual charge on the public was raised to a very inconvenient amount. A short time ago the Commissioners finding that there was a danger of too large a sum being converted into terminable annuities for a short term of years, gave notice that in no one quarter should a larger sum than 500,000*l.* of capital stock be converted into annuities for a shorter date than would expire in the year 1860. With regard to the alleged breach of confidence, none had taken place, a public notice having been put up at the National Debt Office as usual; but the Bank of Ireland did convert 500,000*l.* at once into annuities for a term of ten years, which, in consequence of the arrangement he had referred to, absorbed the whole amount that would be converted during the quarter. That was the whole case. With regard 'o the system, he thought that so long as the pressure on the public was not very great, it was an advantageous mode of reducing the public debt. He would illustrate this by some Returns which he had procured in expectation that the hon. Gentleman (Mr. Hume) would allude to the subject. In the half-year ending 1833, the amount of interest paid on the permanent annuity amounted to 12,231,948*l.*; and in the half-year ending July 1834, to 12,186,361*l.*; whereby there was a saving of 45,777*l.*, or 90,000*l.* a-year. The terminable annuities amounted, in the year ending 1833, to 1,600,741*l.*; and in the half-year ending July 1834, to 1,783,966*l.*; making an increase of 183,225*l.* in the half-year, and causing an increase of somewhere about 37,000*l.* a-year. With regard to the terminable annuities, the country might look forward to considerable relief. The following sums would fall in, in 1840, 1860, and 1867:—

In 1840 - - - -	£.200,000
1860 - - - - -	1,200,000
1867 - - - - -	590,000

To these sums might be added 800,000*l.*, which must fall in, in a short time; and thus, nearly 3,000,000*l.* of annuities must, in a moderate space of time, accrue to the benefit of the public. He thought, after this statement, that the House would agree with him that the conversion of permanent into terminable annuities was the best plan, provided the annual burthen on the public was not increased to too great an amount.

The Bill was read a third time.

HOUSE OF COMMONS,

Saturday, August 9, 1834.

MINUTES.] Bills. Read a third time:—Exchequer Bills; Public Works.

Petitions presented. By Mr. SINCLAIR, from Montrose, for the Repeal of the Attorney's Taxes (Scotland).—By Lord GRANVILLE SOMERSET, from Doncaster, against the Universities' Admission Bill.—By Mr. SHAW, from three Places, in Support of the Protestant Church of Ireland.—By Mr. STEWART MACKENZIE, from British Residents at Canton, for the Revision of the Act of 1833, concerning the Tea Trade; from Calcutta, for Trial by Jury in Civil Cases; also for Protection to the Rights of Property in the case of Aliens, or those descended from them; from two sets of Parochial Schoolmasters for an increased Stipend.—By Messrs. FINCH and DAVIES, from several Places, for Protection to the Church of England.

COMMITTEES OF THE HOUSE.] Mr. *Sinclair*, pursuant to notice, rose to bring forward his Motion "that there be laid before this House, a list of all the public Committees appointed during the present Session; the number of days on which they sat; the number of hours during each day; number of Members who attended at each meeting; the number of witnesses examined, and the sum awarded to each witness for expenses; the expense incurred in printing the minutes for the use of the Members, and afterwards for that of the House; the allowances to short-hand writers, Committee clerks, and all other incidental expenses; together with a list of the Members of each Committee; also, an alphabetical list of all such Members as have belonged to one or more of the said public Committees, stating in separate columns the number of days on which each of the said Committees met, and the number of times on which each of the said Members was present during its proceedings; as far as the same can be made out." He considered that it was absolutely requisite to adopt some remedy to meet the evil and the expense resulting from the increased number of Committees, and the increasing disposition to resort to Committees. They were often adopted as a compromise of some question brought forward; and much expense was thus incurred, when the chief motive of appointing the Committee had been to evade coming to a decision in the House. There was another evil regarding the attendance of witnesses; they were sometimes ordered without due consideration; messengers were sent at the expense, perhaps, of 30*l.* or 40*l.*; and when they were obtained, it was found that they gave evidence of little or no value. These evils must be corrected, and as a preparation for Amendment, he moved for this account; it could be ready by the next Session, when the House, no doubt, would be disposed to consider the subject. The hon. Member concluded by making his Motion.

Mr. *Hughes Hughes* said, he had great pleasure in seconding the Motion of his hon. friend, although he feared that much reliance must not be placed on the accuracy of the return to one part of it, the Committee clerks not always taking down the names of every Member present at the meetings of a Committee. One part of the Motion he thought highly necessary; the House, and the country, ought to know the expense attending each special Committee. Two such Committees had been appointed this Session, on matters which immediately concerned two individual Members of the House, and the expense attending the inquiries before these Committees would, he understood, amount to very considerable sums. He alluded to the Committee on the Calcutta Journal, and the Committee on the Inns of Court, in granting which, he really thought, the House should have stipulated that the parties immediately interested, and not the public, should bear the attendant expense.

Mr. *Aglionby* conceived that the return would be useful, particularly as he thought that the time of the House which was the time of the public, had been wasted by laborious and unnecessary inquiries.

Mr. *Ward* observed that the management of private Committees in particular, required amendment, in order to prevent that canvassing for votes which now took place. He admitted, that the proceedings in Committees on private Bills were not quite so bad as he had understood they formerly were; still there was a degree of canvassing that was not very creditable. Respecting a recent Committee on a railway Bill, he, in common with many other Members, was repeatedly and most earnestly beset to attend and vote on a particular side. He declined, on the ground that as he had never attended the Committee, he had heard none of the evidence, and consequently was not qualified to give a vote. At last he was informed that ten Members who were similarly circumstanced had consented to attend and vote; and, under such circumstances he had attended and voted against them. He disapproved of such proceedings; they reflected no credit on the House; and he thought that no one ought to be allowed to vote on these Committees, except they had heard the evidence.

Lord *Granville Somerset* defended the proceedings of the Committee to which reference had been made, and thought that the conclusion to which that Committee had come was a correct one. Bad as the conduct of Committees now might be, and he certainly did not defend it, the mode of conducting business before Committees at present, was greatly superior to the practice formerly.

Lord *John Russell* said, he had no objection to the Motion, but thought that it would be difficult, if not impossible, to comply with some parts, especially those regarding the Members attending the Committees, and how long they attended. [Mr. *Sinclair* had omitted that part of the Motion.] He admitted, that there was considerable evil in the construction and conduct of Committees in some respects. Thus thirty or forty Members would be placed on a Committee, and the resolutions or report of that Committee would be prepared and carried, perhaps by only six or seven Members. The resolutions or report would go forth as the product of the whole Committee, while there were no means of ascertaining who were the six or seven Members. This ought to be remedied; at least it ought to be known who were the parties agreeing to and sending forth the resolutions or report. Then as to the printing of accounts and documents laid before the House pursuant to orders; that practice required correction, for accounts and returns were often printed when the information contained in them appeared in documents previously printed.

Next Session he should endeavour to suggest some remedy for this evil.

Mr. *Littleton* thought that some amendment in the drawing up the minutes of the Committees might be usefully introduced. Minutes might be made of the Members attending Committees, especially of the names of Members present when divisions took place, or when resolutions or reports were adopted. He admitted the justice of many of the remarks made respecting the conduct in Committees on private Bills; still he thought with the noble Lord, the member for Monmouthshire, that those who remembered what conduct was pursued in those Committees some years ago, must admit that a very considerable improvement had been introduced into them. Heretofore the practice was, that all Members who attended "had voices;" so that it was not unusual for crowds to attend and vote on any particular measure who knew nothing of its merits derivable from the evidence adduced; but that abuse had been considerably remedied by the present mode of constituting the Committees by county lists.

Mr. *Bernal* must also admit, that the previous conduct respecting these Committees on private Bills was of the most abominable character, as there was carried on a system of the most censurable canvassing. Members would attend the Committee rooms by scores for the purpose of voting only, in subservience to that system of canvassing; and from the frequency and notoriety of the practice, they would think themselves justified in the course they pursued. This eagerness to rush to different Committees, had led to the very general belief that Members received ten guineas for each Committee, and for each time that they attended it. He could not account for the prevalence of so erroneous an opinion; certain it was, that the belief was very general.

Mr. *Hawes* bore testimony to the belief in this fiction, and the prevalence of the belief was such, as he knew, from considerable intercourse with his constituents, that it threw very considerable discredit on the proceedings of Committees on private Bills in particular—discredit that ought not to attach to them. He was therefore very glad that this opportunity had been taken to disabuse the public mind on this subject.

Mr. *Potter* also knew of the prevalence of the belief that Members of Parliament received 10*l.* 10*s.* a day each for attending Committees—namely, for each time and for each Committee attended. He knew this fact from his own experience. He was in the habit, at the end of each Session, of returning to his constituents to render to them some account of the labours of the Session, and of his own share therein. In doing so he had occasion to mention the number of Committees that his duty had required him to attend. He was told in reply, that "there was good reason for his attending so many Committees—that he had pocketed a few hundreds thereby;" and it was with considerable difficulty that he could persuade the parties—if he did convince all of them—that neither he nor any Member derived any profit from attendance on Committees on private Bills, or on any other matter. He was therefore very glad, in common with other Members, that this conversation had taken place.

Motion agreed to.

HOUSE OF LORDS,

Monday, August 11, 1834.

MINUTES.] Bills. Read a second time:—Tithes, Stay of Suits; Turnpike Acts Continuance (Ireland); Payment of Creditors' (Scotland); Consolidated Fund; Exchequer Bills; Bank of England Debt; Starch, &c.; Duties Repeal; Spirit Duties; South Australia; Fines and Recoveries; Sale of Beer.—Read a third time:—Courts of Justice offices Dublin.

Petitions presented. By the Earl of CARNARVON, and the Earl of MANSFIELD, from several Places,—against the Claims of the Dissenters, and against the Separation between Church and State.—By the Duke of CUMBERLAND, the Earl of RODEN and Lord CARBERY, and the Archbishop of CASHEL, for Protection to the Protestant Church of Ireland.—By the Earl of RODEN, from a Number of Places in Ireland, for Protection to the Rights and Privileges, granted by the Union to Protestants in Ireland.—By Lord KENYON, from two Places, against appropriating Church Property to Lay Purposes.—By the Earl of RADNOR, from the Jews of London, for Removal of their Civil Disabilities.

ABOLITION OF SLAVERY.] Lord *Rolle* rose to call the attention of the government to the state of the West Indies. He had to complain of the operation of a law which had recently been passed by the Legislature. He spoke with reference to the measure which had been adopted for the emancipation of the negroes. He did not mean to blame those who had supported that measure, but he would tell them that it was likely to produce much mischief. Formerly the negroes were willing to labour, but what was the case now? They would not work. His own negroes had refused to work, although he was obliged to feed them. That very morning a bill had been drawn on him for 1,000*l.*, on account of supplying them with corn alone. He did not in making these observations, speak for himself; he spoke for others, who would seriously suffer. He would say "Look not to me, but look to others, and consider how they will be able to support such a change of circumstances." He conceived it to be his duty to make these few remarks for the sake of struggling individuals; for himself, he had no favour to ask.

Viscount *Melbourne* said, the statement made by the noble Lord was very different indeed from the representations which had reached him from other quarters with respect to the same colonies. The noble Lord had, however, only adverted to circumstances connected with his own estate, and he had not detailed the causes in which they had originated. From what he knew of the West Indies he could only say, that he hoped such conduct as that the noble Lord complained of would not continue long.

The Earl of *Mulgrave* was not aware of any such insubordination as that the noble Lord complained of, and he should be glad to know in what part of the colony it existed.

Lord *Rolle* said, the noble Earl might laugh, but nevertheless the Bill had had the effect which he stated. He would tell the noble Earl what he had done. He had sent out to the negroes and stated that he should give up all his lands. He certainly would not support them for nothing.

The Earl of *Mulgrave* said, it was not his intention to laugh at what fell from the noble Lord; he only rose to state, that what the noble Lord complained of was contrary to his (the Earl of Mulgrave's) own experience for six months after the passing of the Slavery Abolition Bill. During the whole time he was in the West Indies the negroes never worked better.

The subject was dropped.

Church of Ireland Commission.] The Duke of *Cumberland* rose to present a petition from the Lord Mayor, Sheriffs, and Commonalty of Dublin, on the present awful state of affairs, especially with reference to the Protestant Church. It was so respectfully worded, and contained matter of so much importance, that he wished it to be read at length. It was impossible for any man to see without feelings of pain the unfortunate situation in which the Protestant Church in Ireland was now placed, especially when they looked at the events which had recently occurred, as well as those that were in progress. Their Lordships must be aware that during the last Session of Parliament a measure was brought forward and carried by his Majesty's Government for the reduction of a number of Irish bishoprics. Nothing could have created greater alarm in that country than such a proposition; and he was certain that noble Lords on that side of the House would have resisted the measure from beginning to end, had they not been told by Ministers that it would be a final arrangement. Such, however, had not been the case. He was perfectly aware, that when the noble Earl late at the head of his Majesty's Government (and whom unfortunately, he did not then see in his place) made that statement, he did so without anticipating circumstances which had afterwards occurred, and which appeared to have occasioned a change in his opinion. Although he had differed from the noble Earl during the whole of his political life, still he trusted that there never had been any unpleasant personal feeling between that noble Earl and himself. He believed that that noble Earl, however he might have erred in opinion, meant well, and he was bound to say that no man deplored the circumstances which took place when he quitted office—that no man more regretted the manner in which that noble Earl had been treated—than the individual who then addressed their Lordships. Therefore, he hoped it never would be said that personal feeling had any effect in shaping the observations which he now conceived it to be his duty to make. Certain it was, that the noble Earl had declared the measure to which he had alluded to be final, and the noble Earl had thereby induced many of his noble friends, from whose opinion he had on that occasion dissented, to coincide with the noble Earl in carrying that measure. This had now passed by, and it was not for him to blame the course which had then been taken, although it was contrary to his feelings and his wishes. But the Government was not satisfied with that which was called a final arrangement. They had brought forward in the most extraordinary manner (their Lordships would allow him to say so), a few weeks ago, a measure of a most singular description—namely the commission, called the Ecclesiastical Commission. He would not enter into the manner in which that Commission was appointed, because there were circumstances connected with it more extraordinary than anything which he recollected in modern times. But he would ask, what was this Commission for? It was not merely to investigate into the amount of all Church property, but to give a census of the population of Ireland, in every county, city, town, village, and parish. It was neither more nor less than a measure to count the heads of Protestants, Dissenters, and Catholics, throughout Ireland. Was that the way to pacify Ireland, or to satisfy the loyal Protestants of that unfortunate country? Was it not, on the contrary, throwing a fire-brand into that country? Was it not calculated to set one sect more violently against another than was the case at any former time? It was true, and he was at the time most happy to hear, that the noble and learned Lord on the Woolsack had stated in that House, on a former evening, that he never would be a party to allow one farthing of the surplus revenues of the Church, if there should be a surplus, to be appropriated to any other than Protestant purposes. The noble Earl then at the head of the Government made the same declaration, and he trusted that the House would be gratified with a similar declaration from the noble Viscount now filling that situation. But, notwithstanding all that, their Lordships were to have another measure proposed to them that night, by which the poor clergy of Ireland were to be deprived of two-fifths of their just and lawful property. He would not then enter further into that measure, as he should have another opportunity of doing so. Taking all these things into consideration, he confessed that he had no confidence in his Majesty's Government, and whatever personal respect he might feel towards them, he must say, that he should deceive them and deceive the country, if he did not say that in his opinion they were not friends to the Protestant Church of the country. He knew that they had professed very different sentiments; but words were one thing, and actions another. He would not have troubled the House so much at length, but having been intrusted with such important petitions, he thought he should not have discharged his duty had he abstained from making a few observations. He had therefore declared his opinion boldly, openly, and fearlessly.

The *Lord Chancellor* said the illustrious Duke had correctly noticed the observations which had fallen from him on a former occasion, with one exception. He had stated, that he would not expend one farthing of surplus, if there were a surplus of Church revenue, for any except Ecclesiastical and Protestant purposes. Now he had spoken of Protestant purposes in contradistinction to devoting any part of it, be it ever so small, to the support of a Roman Catholic hierarchy. When he spoke of Ecclesiastical and Protestant purposes, it was to prevent its being supposed that he contemplated giving assistance to a Roman Catholic hierarchy at the expense of the Protestant Church. That, however, occurred in another part of his argument. He had stated, most distinctly, that, whether there would be any surplus to take, or whether, on the other hand, the Church might not want some additional support, they must wait, to ascertain the fact, until the result of the inquiry which had been set on foot was known. If it then happened, he had observed, that there was a surplus unappropriated, it should first and foremost, before anything and everything else, be applied to ecclesiastical purposes: the wants of the Church, he felt, must first be supplied. He had followed that up by stating, that those wants being provided for, any residue should be appropriated to a purpose which though not strictly ecclesiastical, was yet connected with the welfare of the Established Church — namely, the affording education on the principles of the Established Church. Further than that he had not gone; and he had stated that every controversy of this kind was premature, because the question might never arise, and there was no wisdom in a practical Legislature discussing hypothetical cases.

The Duke of *Cumberland* said, the noble and learned Lord had borne out his statement, which was, that the noble and learned Lord had declared, that whatever surplus remained, after providing for the Church, should be appropriated to Protestant purposes.

Lord *Duncannon* could not allow a misrepresentation of the opinions of himself and colleagues to pass without giving it a flat denial. The illustrious Duke had misstated the objects of the Bill to be read a second time that night. It was not intended, by that measure, to deprive the Irish clergy of two-fifths of their income. He would not go into the merits of the Bill then, but he could not hear himself and his colleagues designated as enemies to the Church, without stating in explicit terms, that he considered himself, and those with whom he acted, as sincere friends of the Church as the illustrious Duke, or any of those who acted with him. He must at all times contradict such statements, come from what quarter they might.

The Marquess of *Londonderry* was most happy to hear such declarations as had fallen from the noble and learned Lord on the Woolsack, but as they were so much at variance with the expressed opinions of members of the Cabinet in the other House, he trusted the noble Viscount at the head of the Government would state what the real opinion of the Cabinet was upon the subject.

Petition to lie on the Table.

The Bishop of *Rochester* said, that in consequence of an allusion having been made to the Irish Ecclesiastical Commission, he wished to know from the noble and learned Lord on the Woolsack, the authority under which that commission was issued? On the subject of commissions there was a declaration on the rolls of Parliament, in the reign of William 3rd, in which it was set forth "that the late King James 2nd had, by the assistance of evil counsellors, endeavoured to subvert and extirpate the established Protestant religion, by issuing, or causing to be issued, under the great seal, a writ for the erecting of the late High Court of Commission for inquiring into ecclesiastical affairs;" and it went on to say, "that that Commission, and all such other Commissions, were illegal and improper." He certainly was very jealous of such Commissions being issued at all, because they were very like travelling Star Chambers, proceeding through the country for arbitrary purposes. He should like to know from the noble and learned Lord on the Woolsack whether there was any authority for issuing this commission. For his own part he thought there was not, and if there were not, the people of Ireland were not bound to obey the Commissioners.

The *Lord Chancellor*:—When an individual who wished, or seemed to wish, to have information as to whether a certain thing could be done or not, set out with stating that he knew it could not, and he was certain it could not, what, he would ask, was the poor unhappy mortal to say of whom the question was asked? In general, when information was called for, the object in view was the removal of ignorance. But in this instance the right reverend Prelate who asked the question declared at once that he knew the subject a great deal better than he (the Lord Chancellor) did, although he applied to him for information. The right reverend Prelate seemed to have made up his mind completely on the subject before he put his question. This was certainly rather a curious mode of proceeding. The right reverend Prelate ought rather to have said, "I don't want information, I have made up my mind fully on the question." Now, he would tell the right reverend Prelate, that the authority to which his inquiry related was the prerogative of the Crown, the undoubted prerogative of the Crown, which at all times his Majesty had a right, as his predecessors had heretofore done, to exercise. It would still so remain, until the constitution was altered, (and possibly it might be altered under the advice of the right reverend Prelate), but until it was so altered, until the royal authority was limited, such Commissions would be issued, and legally issued. The right reverend Prelate had stated that this was an illegal commission. He had decided and pronounced it to be so. [The Bishop of *Rochester*.—I did not.] Then it was a legal Commission; but the right reverend Prelate did not know under what authority it had been issued, and he wished to know if any authority existed, what that authority was. Then came a manifest absurdity; for the right reverend Prelate, as yet ignorant of the authority, called upon the people of Ireland not to obey the Commission. Let their Lordships observe, a right reverend Prelate, a Member of the Lords' House of Parliament, an individual who sat amongst the Peers of the realm, who was himself a counsellor of the Crown, and who sat in that House by the favour of the Crown, thought it expedient and fitting, and consistent with the furtherance of the public service, and the preservation of public quietude, to tell the people of Ireland from his seat on the bench of Bishops in the upper House of Parliament, that they were not bound to pay any deference or respect whatever to his Majesty's Commission, and that they ought not to attend to that Commission, which they would not do if they followed the right reverend Prelate's advice. Now, he was certain that the people of Ireland would not follow such advice. His belief was, that the people of Ireland would show more wisdom than their adviser, and would loyally and peaceably comply with the terms of the Commission. But then there had been a most precious, indeed an inexplicable, crotchet raised by the right reverend Prelate, whose learning had been exhausted to show that the Commission was not only an illegal Commission, but an Anti-Protestant Commission, such as was issued by James 2nd, and was put down by Act of Parliament at the Revolution. What was it that the right reverend Prelate confounded this Commission with? Why, with the High Court of Commission, which had just as much to do with the Commission for Ireland as it had to do with the commission of a captain of horse. That was a Court for the trial of causes. So much for the learning of the right reverend Prelate. Such a jurisdiction as that which was seized by James 2nd, had been rejected from the time of Magna Charta downwards. The Crown had no right to arrogate to itself such a power. No lawyer, except the advisers of that infatuated monarch, had ever maintained that any one had the power to create a new Court to proceed after the manner of the High Commission Court, which was strictly and truly an Inquisitorial Court to try causes. He had to apologise to the House for stopping to take notice of this at all. He would, if they were moved for, produce to the right reverend Prelate twenty or thirty Commissions of this sort that had issued from time to time. Perhaps he would think those had issued in evil times, or peradventure, that they had now arrived at the most evil time of all. One of the latest Commissions, however, of this kind, had issued at the instance of Sir Robert Peel, when he was in office, and under the sanction of Sir James Scarlett—two of the greatest conservatives of the present day. That was in the month of June, 1830. That Commission actually, amongst other things, authorized the Commissioners to examine and report as to the manner in which all rectors were in the habit of performing their duties, and actually how far the clergy complied with the law in allowing a sufficient income to their stipendiaries— one of the strongest measures that could very well be thought of. He begged to remind their Lordships' that he had been dragged into this discussion very unexpectedly and very unusually. It was by no means a convenient mode of discussing a question of this sort, especially where it was intended to throw a censure on the Crown or the Government. It was much more convenient and fair to give a notice of Motion, and if any noble Lord chose to adopt that course, he should be perfectly ready to vindicate the Commission, because, whatever responsibility was attached to it, he had his share of that responsibility, as he had put the Great Seal to the Commission; but he had never done an act, in respect of which he had felt his weight of responsibility less.

The Bishop of *Rochester* begged to explain, that he had not stated that the Commission was illegal, though an opinion of that kind was supported by very high legal authorities.

The Earl of *Wicklow* hoped that the right reverend Bench would disregard the means by which they obtained access to that House, and would ever be found anxious to perform their duty in that manner of which their conscience approved. The right reverend Prelate who had recently spoken was perfectly justified in delivering his opinion in the manner in which he had done that evening; and, although it ill became him to differ on legal points with so high an authority as the noble and learned Lord on the Woolsack, yet this he must say, that it had been a subject of discussion amongst lawyers as great as the noble and learned Lord, whether this Commission was or was not illegal. He believed that this Commission was of such a nature that its legality might be doubted. Several instances had occurred where it had been disobeyed, and he would ask whether any steps had been taken to punish those who had so disobeyed? There was, whether the Commission were legal or not, something in it so grossly injurious, so impolitic, so destructive of the interests of the Irish Church, that it might well call for observation. And if there were any doubt on the subject, and it appeared that there was much doubt, he hoped that the Irish clergy would pause before they answered the queries put to them, until they had some better information than they had yet received, until they were more fully cognizant of the authority under which this Commission was issued. The noble and learned Lord had censured the conduct of a Peer of Parliament in acting as the right reverend Prelate had done. Now he, as a Peer of Parliament, would say, and he hoped that his voice would be heard through every part of Ireland, that, where a doubt existed, the clergy ought not to act until that doubt was removed.

Lord *Wynford* denied, that the prerogative of the Crown extended to the issuing of such a Commission as this. No doubt the King had the power to issue a Commission to examine how far the clergy did their duty. This, however, was not a Commission to ascertain whether they had or had not done their duty—no, it was a Commission to inquire into the amount of their property, and he would maintain that the clergy of Ireland were no more bound to answer interrogatories on that subject, than they were bound to give up that property. His noble and learned friend had alluded to precedents, but he believed that when those precedents were examined, it would be found that they had all been issued by the authority of an Act of Parliament. The Commission which had been issued directed that persons should be examined on oath; but the persons so examined could not afterwards, whatever their evidence was, be prosecuted for perjury. An Act of Parliament was necessary to authorize the passing of such Commissions as was the case with the Commission issued in Lord St. Vincent's case, for examining the accounts of the Treasurer of the Navy. Lord Coke, no mean authority, expressly said, that a commission of inquiry, except into matters derived from the authority of the Crown, was illegal. He would maintain, that no person was bound to answer under this Commission. This Commission was appointed to inquire into the amount of property held by the clergy, and also into the number of persons belonging to different sects. Now he would say, that no Commissioner could legally ask questions on either of these points. On that subject he and his noble and learned friend were at issue. Such a Commission was, in his opinion, of no force, except it was authorized by an Act of Parliament.

The *Lord Chancellor* did not rise to prolong this debate; but, as his noble and learned friend had doubted the validity of the Ecclesiastical Commission, he should merely state that he was perfectly ready to meet his noble and learned friend on that point at any time. His noble and learned friend had mistaken the nature of the Commission of 1830. That Commission was to inquire into the conduct of the clergy, even with reference to the amount of stipends which they paid to their curates. Was not that, he would ask, an interference with their private affairs? The opinion of Lord Coke was, that all Commissions leading to adjudication were illegal. But that opinion was beside the present question. If the doctrine laid down by his noble and learned friend were correct, then all the Commissions which had been issued for a long series of years were illegal, and he did not think that his noble and learned friend would push his argument so far. He knew that the Lord Chief Baron and himself, in requesting that certain points might be referred to the law Commissioners for their consideration, prevailed on their Lordships to suspend their proceedings with reference to a Bill which had been sent up from the House of Commons, until the opinion of those Commissioners could be obtained. Now, that Commission had not proceeded under an Act of Parliament. His noble and learned friend had adverted to the right of the Ecclesiastical Commissioners to examine on oath. Again, and again, Commissioners had been empowered to examine on oath. The Law Commissioners had done so; they had examined professional men as to the profits of their business, the charges which they made to their clients, and various other points. Parties in those cases answering falsely, were indictable for a misdemeanour, although they could not be prosecuted for perjury. All these commissions rested on precisely the same ground, and he entered his protest against the idea of their being illegal. He would not embarrass his mind with the vestige of the shadow of a doubt as to the legality of these Commissions, and he could not help complaining that this objection should be now set up, after the whole Session had passed without any intimation whatever having been given of it.

The subject was dropped.

TITLES TO LANDED PROPERTY (IRELAND.)] Lord Duncannon brought down the following message from his Majesty :

"WILLIAM R.—His Majesty acquaints the House of Lords, that having taken into his consideration the present state of reversions and remainders vested in the Crown in estates in Ireland, his Majesty deems it proper that measures should be taken for enabling proprietors of estates in Ireland, where the reversion or remainder has become vested in the Crown by attainder, to bar such reversions or remainders. W. R."

TITHES (IRELAND.)] The Order of the Day for the second reading of the Tithe (Ireland) Bill having been read,

Viscount *Melbourne* said, it was extremely natural that an individual charged with bringing forward a measure, should, in some degree, from the fact of its having been the subject of his serious contemplation, be inclined to exaggerate its importance to himself, and over-state it to others; but he thought, that if their Lordships considered the measure which he was now about to propose the second reading of—whether with respect to its immediate effects or remote consequence, not only upon that part of his Majesty's dominions to which it exclusively applied, but upon this great empire at large—they would be of opinion, that it was hardly possible to over-estimate the importance of the decision to which they were about to come with reference to it. Their Lordships were well aware of the unsatisfactory state of the tithe question both in Ireland and this country. During the last three years and a half Ireland had been distracted by it. Their Lordships were also well aware, that during the last three years, ever since the beginning of 1831, the time and attention of both Houses of Parliament had been occupied with measures and motions on this subject. There had been question upon question—measure upon measure—committee upon committee—bills, some of a provisionary character, and some having a tendency towards the settlement of the question—in short, the subject had continually engaged the attention of the Legislature, and yet it still, undoubtedly, remained in a most unsatisfactory state, and Ireland was, in consequence, if not convulsed, at least unsettled. He would not say, that there had not been imprudent expressions employed with reference to the question both by individual Members of Parliament and by committees; but the very difficulties which were to be contended with, the very errors which they had committed, the changes into which they had been forced, the Motions on the subject which had come upon them one after the other, sufficiently proved the embarrassing state of the question, and if they had no other effect, should induce their Lordships to look with the greatest anxiety, impartiality, and candour, if not with favour, upon any measure professing to offer a safe, effectual, and satisfactory solution of the question. Above all things, he hoped that their Lordships would give the Measure a fair and impartial consideration, entirely removed from any party feeling and entirely removed from any personal feeling. He hoped, that they would consider the measure as it stood before them, without reference to the manner in which it had been brought forward—without recrimination or feelings of animosity, but solely with reference to the evil which it was proposed to remedy. *Amicus Plato amicus Socrates, sed magis amica veritas.* At the same time he was ready to admit, that there might be great reason for some of their Lordships to view with distrust and jealousy, for some even with enmity, if such a feeling could find a place in their bosoms, the quarter from which certain alterations which had been made in the Bill since it was originally introduced had proceeded. He would now proceed to state the principal objects which the Bill proposed to effect. It was unnecessary for him to go through the history of the tithe question, or to enumerate the statutes which had been passed in connexion with it. Suffice it to say, that by the statute of William IV., the composition for tithes, which before was voluntary, was made compulsory; and he believed that the provisions of that Act would be carried into effect in every parish in Ireland after October next. The Bill now before the House abolished all compositions, and substituted for them a rent-charge payable by the landlord, due to the Crown, and levyable and manageable by the Commissioners of Woods and Forests. It laid the burden at once on the owner of the first estate, and, to make amends for placing it upon him who had never before borne it, it gave him a deduction of two-fifths of the amount of the original composition. This deduction was not fixed arbitrarily, for it would appear, that if tithes were redeemed at six years' purchase, making allowance for the interest of the money, the bonus would amount to about forty per cent. It was erroneously supposed by some—and amongst others by the illustrious Duke who addressed the House at the commencement of that evening—that the whole of the deduction of forty per cent. was to fall upon the incomes of the clergy. The deduction to be made from the income of the clergy would be only twenty-two and a half per cent., being twenty per cent. for increased security, and two and a-half per cent. for the expenses of collection. Every incumbent therefore, would receive 75*l.* for every 100*l.*, without any trouble, without any risk, and without any of the odium which had hitherto attended the collection of tithe property; and really he thought that this was not a bad arrangement. He did not know how their Lordships collected their rents; but he thought that if they were told, that they might receive 75*l.* per cent. for every 100*l.*, without the risk of bad tenants, without the trouble of collection, and on the security of the Government, there were some of them who would not be disinclined to close with the bargain. Their Lordships must recollect also, that the clergy would, after the passing of the Bill, be entirely relieved from the payment which they otherwise would have to make in November next. It was provided by the Bill, that this charge should likewise fall upon the landlord. Supposing that this arrangement should be rejected—should the Bill unfortunately fail to receive their Lordships' sanction, how would the Church of Ireland stand then? In next November the clergy would be called upon to pay the first instalment of the money advanced to them by Parliament, and they would be left to collect their composition by law. When he spoke of the collection of composition by law, he felt that he was touching upon a delicate topic. He remembered, that in 1832, upon the occasion of a motion brought forward by a noble Earl opposite, who was an ardent friend of the Church, he (Lord Melbourne) expressed a hope that peace was restored in Ireland; upon which the noble Duke opposite (Wellington) said, "Let me see tithes collected in Ireland, and then I will believe there is something like a return to a state of tranquillity in that country; but not till then." He had heard it stated, that the clergy of Ireland were desirous that the Bill should not pass; but he knew that all the clergy were not of that way of thinking, as would appear from a letter which he held in his hands from the clergy of Dromore, and which was written, he believed, in answer to a circular sent from this country, requesting to know their sentiments with respect to this measure. [The Earl of *Roden.*—What is the date of the letter?] There was no date, but the inference which he could not fail to draw from the question put to him by the noble Earl was, that the letter referred to the Bill when it was in a different shape from that in which it now appeared. He would give the noble Lords the benefit of that, but he thought, that the letter would tell for him, on account of the general principles which it developed respecting the condition of the country, and which, it appeared to him, must carry conviction to the minds of all who heard it. With the permission of their Lordships he would read the document, which was as follows:—

"My Lord,—We, the undersigned clergy of the diocess of Dromore, beg leave, through your Lordship, most respectfully to convey to the Lord Primate and the friends of the Irish clergy in London, our opinion as to the course to be adopted by our friends in Parliament regarding certain clauses in the amendment of the Bill now in Committee in the House of Commons to abolish compositions for tithes in Ireland. In the first place, we have to express our regret that any change should be contemplated in the appropriation of the revenue of the Irish church from its original purposes, but at the same time, if such should be the decision of the Lower House of Parliament, we would also beg leave to express the strong apprehension which we entertain of the disastrous results to the interests of the Irish clergy and lay proprietors of tithe in Ireland, if through any collision between the two Houses of Parliament, the said Bill, substituting a land tax in lieu of composition, should be thrown out, and the proprietors of tithe left to the composition. In such case, we utterly despair of being able to levy our composition tithes even in this part of Ireland, so comparatively Protestant and civilized, and can only perceive destitution to ourselves and families in the hopeless alternative. We would, therefore, earnestly implore our influential friends in and out of Parliament to render the said Bill as little onerous on our incomes as shall be found practicable, but not to reject it altogether, on account of the proposed alterations in the original Bill. And we would not prefer this request if we conceived we were thereby compromising any principle, which as Ministers of the establishment we are bound to maintain. And in conclusion we beg leave to declare our confident hope, that the Legislature will, in its wisdom, so deal with the temporalities of the Irish church as shall, in the end, be most conducive to the peace and welfare of the nation, and our firm and unshaken trust that Divine Providence will ultimately preserve in safety the pure and spiritual religion of the Gospel. (Signed by fourteen clergymen, rectors, and vicars.) To the Lord Bishop of Dromore."

He considered that letter, and he hoped not unfairly as expressing the opinion of the clergy of Ireland. He had further to say, that the Bill contained certain clauses to authorize the re-consideration of the compositions which had already taken place,—he alluded to the compositions effected under the act of 1821 and 1832. With respect to the latter time, it should be recollected that it was a period of great violence on both sides, when many persons being determined to pay no tithes at all, did not care what they were set at, and when the amount of composition was fixed, not by persons who were skilled in the valuation of land, but by those who were employed for that purpose merely because they were reckless of the life which they risked in the undertaking. Under these circumstances, it must be evident to their Lordships that it was necessary the compositions at a recent period should be revised. The former compositions stood upon a different footing, but he understood that there were circumstances connected with them which required reconsideration, now that the burden was about to be perpetually fixed on a new set of persons. He had now stated the chief provisions of the Bill, and the grounds on which it rested. Doubtless there were many of their Lordships connected with Ireland who were better acquainted with the condition of the clergy than he was. It was necessary that their Lordships should clearly understand, that if the present Bill should be lost, it would be perfectly impossible—quite out of the question—for the Government to come forward and propose a grant for the relief of the clergy of Ireland. It would be perfectly unjustifiable, to make such an application, and it would be not only unjustifiable, but he believed it would be perfectly in vain. For the safety of the empire generally and of Ireland in particular, he recommended their Lordships to agree to his Motion. The noble Viscount concluded by moving that the Bill be read a second time.

The Archbishop of *Cashell* wished to state, that the majority of the clergy of Dromore were in favour of the Bill, but the majority of the clergy in all the other sees constituting an immense majority of all the clergy of Ireland, were decidedly hostile to it.

The Bishop of *Derry* said, that he might be exposed to the imputation of acting uncandidly, if he did not take the earliest opportunity of explaining the course which he intended to pursue upon the present occasion. He had been invited to attend a meeting at which several right reverend Prelates were present, and amongst others the right reverend Prelate who presided over the Established Church, in order to consider what it would be useful to do in relation to this Bill for the interests of the Church. At that meeting he expressed his opinion decidedly in favour of the measure which the Government, under all the difficulties of the case, had thought proper to introduce with respect to the Church of Ireland. When, however, it appeared that the majority of the clergy of his country were hostile to the Bill, he said that he should with great reluctance vote against the second reading, in deference to the general opinion of his profession, reserving to himself the privilege of stating to the House the reasons on which he had surrendered his own opinion. He attended another meeting at the house of the right reverend Prelate on Tuesday last, and he left the meeting with the intention of voting against the second reading of the Bill; but in the course of the week he had received a great number of communications from Ireland, all concurring in stating, that the Bill would be received with the greatest possible satisfaction in that country, and particularly by those unfortunate clergymen who were compelled to reside in retired parts of the south of Ireland. Conscientiously believing from the representations made in these communications that the Bill would be advantageous to the clergy of Ireland generally, he had reverted to his original opinion, which he abandoned only under the idea that the clergy were opposed to the measure, and meant to vote for the second reading of the Bill. He was thankful that he did not derive any part of his income from tithes; yet he hoped that he should be acquitted of any personal or selfish motives in the conduct which he had pursued with regard to this question. In order to guard against misrepresentation, he had written a letter to the most reverend Prelate, the Primate, and which, with their Lordships' permission he would read to the House. The right reverend Prelate accordingly read the following letter:—

> My dear Lord,—After the best consideration which I have been able to give to the subject of the Irish Tithe Bill, I confess I cannot reconcile it to myself to vote against the second reading. I shall consider it my duty to urge, in Committee, the expunging or modification of the clauses relating to the revision of compositions, believing, conscientiously, that their adoption could not fail to produce injurious consequences. I have troubled your Grace with these few lines, previous to the day fixed for the discussion of the Bill, in order to apprize you of the course which, with the opinions I hold upon it, I feel bound to pursue.

That was the letter he had addressed to the Primate, and it would explain to their Lordships the vote he was about to give. He meant to vote for the second reading of the Bill, which, after the fullest consideration, he believed to be essential to the tranquillity of his distracted country. There was one part of the Bill which he was sure his right reverend brethren would consider of great importance—he meant that provision by which the clergy would be relieved from the most disagreeable of all situations; in which they were exposed to the daily necessity of entering into contests which created evil speaking, malice, and every sort of feeling hostile to their sacred profession. On religious principles, if upon no other, their Lordships were bound to carry that provision of the Bill into operation. What would be the situation of the clergy with respect to temporal matters if this Bill should be rejected? He most sincerely and honestly declared his perfect conviction that, in that event, they would be reduced to a state of utter destitution. He must decline taking part in any proceedings which would cause such deplorable consequences. He must decline taking part in any measure which would reduce his brethren to such a state of destitution. He earnestly implored their Lordships to read the Bill a second time, by which they would give to distracted Ireland some chance of tranquillity—to a worthy class of persons some hope of independence—and, above all, would discharge one of the highest duties of a benevolent religion, and promote peace and good will upon earth.

Lord *Ellenborough* was perfectly aware of the circumstances in which the clergy of Ireland were placed, and he could well imagine that the consideration of those circumstances had induced many to waver in their opinions as to the course which they ought to adopt with respect to the Bill before the House; but upon looking at the clauses of the Bill, he could not help thinking, that if it was approved of by any of the clergy, it was their poverty not their will which drove them to consent to it. He could believe that, in order to accomplish the great object of establishing peace in Ireland, the clergy of that country would consent to sacrifice a considerable portion of their income. It was true they might have consented to have received three-fifths from the ancient sources, and one-fourth through the future and uncertain benevolence of Scotland and England, on which they had properly no claim; but he could not believe, they would consent to a measure by which it was proposed to reimburse the people of England by drawing on funds purely spiritual, and which, by the solemn pledge of Parliament, were devoted to institutions most essential to the safety and to the existence of the Church of Ireland. Was it not understood when they passed a measure last year, that the proceeds from the perpetuity purchase fund were to be applied to the improvement of the smaller benefices? It was well known, moreover, that such was the deficiency in all other available funds, that there was no other means, except the perpetuity fund, of providing things necessary for divine worship, and of effecting the necessary repairs in the sacred buildings. Without this fund it was quite certain that the Irish Church must go to ruin; and he felt quite convinced, that no clergyman would consent to take that which amounted to seventy-two and a half per cent on his former income, however favourable the arrangement might appear to him, if he saw that it was to be coupled with the ruin of the Church. There were no enactments in this Bill, as had been contended by the right reverend prelate, that would lead to the establishment of religious peace. The right reverend Prelate could not have read the Bill. It did not diminish by one iota the evils of the tithe system. It did not diminish the number of contributors; on the contrary, it added all the landlords to the present list of tithe-payers in Ireland. The system it established would increase the odium of tithe collection. The people would pay tithes with their rent, and there was no real difference, so far as they were concerned, whether the tithe was paid to the landlord or to the clergyman. The objection was to the payment, but

"That which we call a rose,
"By any other name would smell as sweet."

And he could assure their Lordships

"That which we now call tithe,
"By any other name would smell as rank."

The landlord would find just as much difficulty in collecting the tithe as the clergyman had experienced. He would not make any further allusion to what had fallen from the right reverend Prelate, excepting simply to observe, that this was the first occasion in that House when it was thought convenient to state the communications which had taken place, either in that house or out of it, respecting a noble Peer's vote upon a particular measure. He considered that the precedent was most to be deprecated, as likely to lead to much inconvenience. Referring to what had fallen from the noble Viscount, he begged to assure him, that he was as sincerely and anxiously desirous to secure the peace, the tranquillity of Ireland, but he did not think this measure would have that effect. The noble Viscount had admitted, that a great number of changes had been made in the measure, which he attributed to difficulties inherent in the measure. Not so, however; for no change of any consequence had been made until the end of June in this year. From the commencement of the late Administration the object of the Crown, of the Ministry, and of the House of Commons, had uniformly, their Lordships had been led to believe, been the same. Every measure, every Report of a Committee, every Speech from the Throne, every speech of the Ministry, placed before them, as the great object, a rent-charge, with a view to the complete redemption of tithes, and to the ultimate independence of the Irish clergy. This object he approved of, for he considered that it was likely to increase the sphere of the clergyman's usefulness, by making him a landed proprietor. He regretted, therefore, that this plan had been abandoned. But it was not abandoned in consequence of difficulties in the question, but of difficulties in the Cabinet. All the alterations in the measure, which had taken place with such astonishing rapidity as almost to confound the vision, had arisen from changes in the Cabinet, and from disputes between the members of the Administration. One would imagine that if the members of the Government could be pledged to anything as Statesmen, they were most strongly pledged to the principle of the Reports of 1832. These principles were not alone contemplated, but avowed, by his Majesty's Ministers. On the 20th of February in this year Mr. Littleton moved a resolution, "That composition for tithes in Ireland ought to be abolished on or after the 1st day of November in the present year, in consideration of an annual land-tax to be granted to his Majesty, payable by the persons who would have been liable to such composition for tithes, and of equal amount; that such Land-tax shall be redeemable; and that out of the produce provision be made in land or money for the indemnification of the persons entitled to such composition. It was unnecessary for him to trouble their Lordships with the words in his Majesty's speech in which they were so earnestly exhorted to maintain the institutions of Church and State in the enjoyment of their rights and property. Now the first proposition of the Government was, to convert the tithe into a Land-tax by composition payable to the Crown, and great facilities were offered the landlord in redeeming it, so great indeed, that it was calculated, a redemption would be effected within five years. But when a redemption did not take place within that period, a rent-charge was to be imposed, which also was redeemable. In a word, the property of the Church was to be taken into the hands of the Crown for the purpose of vindicating the law; and the ultimate intention was, that as soon as an equal redemption was completed, each clergyman was either to have a sum of money bearing interest, or land purchased in perpetuity. This was a reasonable object. It was one which it might be hoped would bring tranquillity, so far as this question was concerned, to Ireland. It would have made the Church strong, and would have given every clergyman increased means of usefulness. But this plan was abandoned. If, however, the noble Lords opposite would withdraw this Bill, and give their Lordships the previous measure, which was the result of their deliberate judgment, exercised during a period of three years, and which, moreover, had received the assent of the House of Commons by a majority of five to one, he would not propose a single alteration in it, but would vote for it in its very words. Let it not be said, then, if they dealt differently with the Bill now proposed, that they were not disposed to support that other measure which had once been so earnestly recommended by his Majesty's Government. By the first measure, too, everything was to be done to vindicate the law, but, under the present Bill, all the dangers and difficulties of vindicating the law were to be thrown upon the landlord; and he, moreover, was called upon not only to carry the law into effect with respect to that which might occur hereafter, but also with respect to the arrears of tithes. This was not likely to give peace to the country, nor afford a chance of vindicating the law. At the best it could only lead to vindicating three-fifths of the law, and it sacrificed the other two-fifths of the law giving them as a premium on the violation of the law. He objected likewise to having any portion of the burthen thrown upon the Consolidated Fund. He did not think that the nation was called upon to pay the Irish tithes upon the ground that the expenditure was to be repaid from the pillage of the Irish Church. There was in this Bill no practical principle of redemption. It was true, redemption was not excluded, but it made redemption all but impossible. Under the former Bill, as he had already stated, it was otherwise. He doubted, likewise, whether the landlord would gain by the new system in the proportion which had been stated. The gain would depend altogether upon the leases which the landlord might have given. The clergyman, too, in his opinion, had not such great reason to be grateful to the noble Lord as had been pretended. By a statement made by the right hon. Secretary for Ireland, it appeared, that in sixty parishes, out of twenty-two counties in Ireland, and which he assumed as a fair average, 16,000 tithe-payers had, by the operation of the Composition Bill, been reduced to 9,000. Therefore, it appeared that more than one-third of the Irish landlords were already practically subject to the rent-charge to be created by this Bill. On what principle of justice, then, could the clergy be asked to give up forty per cent of premium to the same individuals? The Bill would operate as an injustice towards the landlords as well as towards the Church; for, from the operation of leases, compositions, &c., whilst some would get forty, others would lose twenty per cent. Thus, in some cases it would happen that the clergyman would lose, and in others the landlord would lose also. But, supposing the landlords were to receive advantages from the measure, that was no recommendation of it, for he did not believe the landlords wished to share in the spoils of the Church. It had been his good fortune to live much with Irish gentlemen. The happiest period of his life was passed in Ireland. He had always found Irish gentlemen uniting kindness, honour, and generosity to all those qualities which rendered them agreeable to every society they gladdened by their presence. Could he believe of such men that they would consent to share the property taken from the poor clergyman? Could he believe, that whilst the Catholic peasant supported, from his miserable pittance, the clergy of the Church of Rome, the gentlemen of Ireland would endeavour to add to their own abundance by plundering the Church of the Reformation. He would say, their Lordships ought not to pride themselves upon the superiority of their Protestant doctrine. It would be shamed by Catholic practice; and they must yield to the Roman Catholic Church the merit of having best instructed its disciples in the true spirit of Christianity. He admitted, that there were difficulties in the way of settling the tithe question; but they were not such as to make their Lordships think that this Bill was the only mode of getting over them. The first instalment for the money advanced, payable by the clergy, fell due on the 1st of November, but the payment could not be enforced until the 1st of February, while the payments for composition would be payable to them on the 1st of November. There were no difficulties, in fact, connected with the present state of affairs which might not be met. There was ample time to put things on a wholesome footing. Under all the circumstances, he only saw one way in which their Lordships could deal with this Bill. In Committee they could not probably alter any one of the clauses with propriety, and certainly not one with success. The measure might, he thought, be regarded as a money bill. But, setting that aside, let them only see what they were to do by going into Committee. If they did go, it must be with the intention of alteration, omission, and insertion of clauses, and this on the 11th of August, with the view of giving a new system for the tithes of Ireland. The thing was quite impossible. If their Lordships were not defeated by time, they would infallibly be defeated by the House of Commons, who would properly declare, as they had done upon a recent occasion, that the measure was too important a one to be decided by a single vote of their Lordships. The only course—he regretted deeply that it should be so—which their Lordships could follow with propriety and dignity, was to reject the Bill on the present motion, and to leave it to the Government for better consideration, so that they might be enabled to determine what was really best for Ireland, and duly proceed with a new measure, which might have the blessed effect of finally settling this important question. He did think that the Government should not be unwilling to have a little more time to look into the details of this measure now on the table. It was a measure which had been concocted in three short weeks by a number of different persons, and which was very unlike that measure which had been the result of their deliberate judgment after a consideration of three years. He thought the Government ought not to regret the rejection of this Bill, however inconvenient it might be to them not to pass a measure apparently permanent, but not fairly permanent: however annoying it might be to them to suffer a defeat on this occasion, practically it would be beneficial to them, in enabling them to prepare a good measure on the subject, which might enable them to attain that end which all their Lordships had equally in view,—the tranquillity and increased prosperity of Ireland. It had been contended, that, if their Lordships rejected the Bill, they might be embarrassed by difficulties proceeding from another place; but he begged to ask them, if they ever knew an instance in which violence and injustice were conciliated by submission? If they had any doubt upon the subject, he would say the answer lay in the Bill now before them. Last year the Church Temporalities Bill had been introduced to them as a final measure, but now it was described as a measure only laying down certain principles. He did not think their Lordships should hesitate as to the course they ought to pursue. Their Lordships stood in a peculiar position as to the Church since the great alteration had been effected in the constitution of the other House of Parliament. When the Reform Bill was under discussion he ventured to say, they were doing that which would prove injurious to the Church. He remarked, that the friends of the Church, the Protestants of the establishment, were to be found amongst the higher and the humbler classes. These they deprived of a preponderating power in the return of members to the House of Commons, and transferred it to the middle classes, those immediately above the humbler classes, in which the numbers and influence of Dissenters were greatest. Again, in that portion of the Reform measure which related to Ireland, they had violated one of the most solemn pledges, on the faith of which the Emancipation Bill was passed. It was understood by all who voted, that, as a collateral security for the Irish Church, the representation of Ireland was to stand as it was, after being changed by an accompanying Bill. The result was, that the House of Commons no longer represented the religion of the greatest portion of the community. Their Lordships' House was the sole parliamentary representative of the great majority of the Protestant people of the country. It behoved them, therefore, to look well to every measue that threatened the Church. Why, he asked, was it that the feelings of the English people were so strongly excited against the Emancipation Bill? They feared for the Church. But it was not for the Church of England in England, but for the Church of England in Ireland. The numerical difference between the Roman Catholics and Protestants had justly occasioned these apprehensions. The result of the measure as to Ireland, accordingly, had been, that there was nothing which the most anxious and fearful mind anticipated that had not been more than fulfilled by the measure on the Table which he now called on their Lordships to reject. He moved, as an Amendment, "that the Bill be read a second time that day six months."

The Marquess of *Lansdown* said, that, however noble Lords might differ with regard to particular measures, in this, they all agreed, that the permanent settlement of the tithe question was essential to the tranquillity of Ireland, and the security and preservation of the Protestant Church Establishment. He had listened to the speech of the noble Baron opposite with mingled feelings of concern and satisfaction—concern, that in the present moment of imminent peril he should wish to postpone the settlement of the question, and satisfaction at the admission which had, for the first time, escaped him, that, notwithstanding all the censure which had, from time to time, been passed upon the measures of the Ministry from the noble Baron's side of the House, the noble Baron had considered those measures as wise, sound, and deserving of just approbation. It was most pleasing to gain the reward of the noble Baron's praise for the course they had pursued for the last three years, just at the moment when they least expected it. The noble Baron, however, had chosen to assume what was not the fact, viz.,—that this Bill was inconsistent with the whole course of their previous proceedings. The object of this Bill was to carry their former principles into final effect, but more promptly than was originally contemplated. He would ask the noble Baron and other noble Lords opposite, whether his Majesty's Government could, by possibility, adopt any measure which was likely to prove so effectual or so satisfactory as one which should fairly throw the support of the Church on the landlords of the country. Only let them regard the manner in which the proposition had been hailed both by the landlords and the clergy. He was not fond of prophesying, but this he would with certainty venture to say, that, whether the noble Baron should succeed in inducing Parliament to assent to the wisdom of his suggestion, or not—whether any proposition from that, the opposition side of the House, or from the other should succeed, the noble Baron would never be able to carry into effect any plan for pacifying Ireland, and placing its Church Establishment on a safe and secure footing, unless that plan provided for payment of tithe by the landlords, and not by the tenant. Let the noble Baron look back to the events of the last half century,—let him consider Ireland before rebellion and after rebellion, under this Administration or that Administration, and he would find that tithes were a property always insecure, and daily becoming more so. The noble Baron entirely lost sight of this feature of the case. He discussed the question as coolly as though tithe were a property as safe, as certain, and as easily collected as the rent of land, whereas every one knew that in practice tithe property was most insecure, whilst in Ireland its insecurity was tenfold, for it was there levied in retail upon poor and insignificant persons, who were not members of the Protestant Church, and between whom and that Church no other relation existed than that of tithe-payer and tithe-receiver. If, therefore, they could not induce the Protestant landlords to pay the tithes, they would be reduced to the only other alternative, that of making the Church stipendiary on the State; and then he would wish the Church joy of her dependence and her slavery. Now his Majesty's Government had succeeded in placing this question upon the only safe footing. This Bill gave to the Church the only real security, viz.—a security upon the land, through the medium of the landlord, who was invited, or rather, he should say (and it was the only shadow of objection he had to the Bill) compelled to take upon himself that burthen. But, the fact was, that in all interference with property there must necessarily be more or less of compulsion, and it was admitted that, for the security of tithes, a greater degree of compulsion must be adopted than with reference to other property. Mr. Goulburn's Act itself proceeded on the very same principle of compulsion and interference; and nothing could be more unjust than for those who had assented to that Act, to attack his Majesty's Ministers for not bringing in a Bill to effect a settlement of the tithe question by the operation of no other force than that of an abstract principle of justice. The same observation might be applied to Mr. Stanley's Bill. In fact, a great and important step would be gained by this Bill towards the settlement of this great question. The noble Baron, in speaking of the commutation of tithes into land, had spoken as though his Majesty's Government had abandoned that principle. Such was not, however, the case. This bill, it was true, did not enact it, but it did not abandon it —nay, more, it was a step towards it.

Nor if this Bill were passed, would there be any difficulty in so commuting tithe at any future period if it were thought desirable. He was quite ready to admit, that he agreed with the noble Baron, that such a conversion into land was a desirable arrangement. But though that was his own private opinion; yet, there were a large number of persons in this country who very much disliked the idea (and let their Lordships recollect that such a dislike was by no means of modern origin) of throwing any more land into mortmain. And on the other hand, as regarded the money conversion, he would observe, that in the now state of the funds the Church would suffer a great loss by such a measure. The object of the Government during the period to which the noble Baron had referred, and for which reference he had been so much applauded, was, to procure a conversion into quit-rent to be paid by the landlord; but by the present measure now before their Lordships, this conversion by means of the compulsion necessarily attached to it would be accomplished not in five years but in one. As a landlord, of course, he was inclined to dislike the Bill, but such personal and private considerations could not be supposed to weigh against its great and paramount importance. The chief value of the proposed measure was, that it removed the hostile and conflicting relations in which the Protestant priest and Catholic peasantry at present unfortunately stood with regard to each other, placing them in that position towards each other which they ought to hold, and which he was happy to say, for the honour of the Church of Ireland did frequently obtain, notwithstanding the obstacles which the accursed system opposed to it. Despite of this system, attachments were created, and continued to exist, which did equal honour to the priest and to the people; and this was a state of things which must certainly go on increasing, if, as was proposed by the measure before them, the causes of irritation were removed. The object of the Bill was, he repeated, to put an end to that form of provision for the clergy which led to such embittered feelings. A document the other day had been put into his hands, to show the perpetual difficulties which lay in the way of the collection of tithes under the present form. The noble Lord here produced a copy of *The Dublin Gazette*, to show the variety and complexity of the claims to tithe which now existed. He did not know how he could read it to their Lordships, as it contained column after column of sums claimed from poor persons, varying from 14*s*. to 1*s*. 2*d*.; and of these tithe-payers it appeared that there were 400 in one parish. Did the noble Baron, in contending for the difficulty of collecting by the proposed Bill, mean to compare the positions of tenant and landlord with those in which a tax was levied for no benefit conferred, no occupation or enjoyment of lands, no equivalent or return of any sort for the demand made by one party upon the other? Would there be no difference in the position of the landlord who might at his leisure, and at his discretion, recover that which he had advanced for his tenant at a period when it might not be to the convenience of the latter to pay it, and which was sought for at the time when it was known he could meet the demand. Would the tenant be less willing to pay a sum, in the payment of which he would be convenienced, and which by the arrangement which thus convenienced him, was also reduced 40 per cent in amount? Was it forgotten that the relations between the parties were entirely different? The noble Baron, too, seemed to have overlooked the great advantage which the landlord possessed in being able to choose his own time. Was it no great advantage that the irritation which existed against the Church in Ireland, was to be put an end to? He would ask the noble Lord, at what rate did he think tithes would sell in Ireland at present, if brought to the market? Those who looked upon tithes as a sound, secure, and available species of property, would do well to inquire before they calculated on such an opinion, why it was, that all other species of property but more particularly property in land, had advanced as much as six or seven years' purchase, whilst tithes had not at all advanced. Land was now on an average worth twenty-five years purchase, whilst tithes were worth no more than sixteen years. So great, indeed, was the difference, that the noble Lord, if he took the trouble to make the calculations, would find the rent-charge proposed to be given by the Bill much greater than the interest of the redemption if vested in the funds. If viewed as a mere mercantile transaction, the proposition would be found of the greatest possible advantage to the Church, it being an exchange from the worst species of property, tithes, to the very best imaginable land. Instead of being collected in small and paltry sums with great trouble and difficulty, it was to be got at once and together from the proprietors of large estates. Surely a proposition of this kind must be of the greatest advantage to the Church, inasmuch as the payment was more ready, more certain, and for clergymen far more desirable. In preparing to carry the measure into effect, he hoped it would be admitted that the interest of the Church of Ireland had not been lost sight of. If in carrying it into effect it was found indispensable that compulsory measures were resorted to as regarded the Church, it must be admitted that the landlords were subjected to similar compulsion, to effect that of which the welfare of the country was the object. But the sacrifice was not made by the landlords and clergy only. Parliament, departing from its ordinary rule, had arranged to impose a portion of the burthen on the other classes of the community, and offered to bear a share of the burthen, to the amount of 20 per cent, which the noble Baron opposite stated that he was prepared to refuse. In this liberal dealing the Commons acted wisely, as well as generously, because the sacrifice was not greater than would be the value of that secured in softening down the rancour generated by the tithe system, and restoring the peace of Ireland. He was willing to concede to the noble Baron that there must be many both of the landlords and of the clergy, who might not feel well pleased with the measure, because an act so extensive could not proceed with uniform justice; but viewing the measure as a whole, it was one which should be regarded as a boon—a measure which noble Lords might now reject, but which they should remember might not again be offered to them. In the words of the noble Baron, "Much was expected from that House in the discharge of its duties," and he knew no better way in which their Lordships could discharge that duty and give satisfaction, than by joining the other House in giving their public sanction to that which had been voluntarily done by the Commons, endeavouring to do justice to the parties interested, and at the same time to aid in confirming a measure which would have the effect of restoring tranquillity to Ireland. Possibly this result might not be attained; but whether it were or were not, the other House was fully entitled to the gratitude of Ireland, for endeavouring to secure the tranquillity of that country. This was a subject to which he had given his most attentive consideration, both as a member of his Majesty's Government, and as an Irish landlord, and the conclusion to which he came was one which enabled him to give a conscientious vote in favour of the measure.

The Earl of *Winchilsea* adverted to the state of misery and distress in which the great body of the Protestant clergy were thrown, and implored the noble Viscount at the head of his Majesty's Government, if he had any regard to the peace and tranquillity of Ireland, and had any wish to allay the feeling of alarm which had sprung up in the breasts of all the Protestants of Ireland, to follow the advice of the noble Baron, and adopt the measure which was once the noble Viscount's own, and which had received the sanction of his colleagues. He asked for consistency from the Government; he asked the Ministers to follow the principle of the Bill brought in by the right hon. Gentleman lately the Secretary for the Colonies, from which that now before their Lordships was as different as one principle could be from another. The principle of the right hon. Gentleman's Bill was redemption of tithe, the principle of this the perpetuity of all tithe. He feared there would be the same hesitation on the part of the Roman Catholic peasantry to pay tithe, whether it came directly out of their own pockets under that name, or was indirectly paid to the landlord under the name of rent. This Bill was the growth of a daring violation of all justice, and entertaining that opinion, he was sure that the Protestant gentry would not deign to accept the bribe that was held out to them, though he did not know whether the Catholic landowners would not avail themselves of this concession, as it was called. Every concession, however, which that Government made would only produce a call for further concessions, and he would tell the Protestant gentry of Ireland that the same spirit which was raised against the payment of tithes to the parson would be, not in vain, raised against all payment of tithe, however disguised. If this Bill went merely to the redemption of tithes, and at the same time asserted the supremacy of the law as it at present stood, though it contained many other provisions to which he must object (especially those converting tithes into land), yet he should in such a case be induced to withdraw his opposition to it. He repeated, that if their Lordships should consent to pass the Bill in its present shape, the Protestants of Ireland would feel, and justly feel, that the Church was to be sacrificed to those who had trampled upon the laws, under a pretext of pacification, but whose exertions, instead of producing peace and tranquillity in that distracted country, had only led to a continuance of the evils. He trusted their Lordships would, on the present occasion, act with firmness, and would not be intimidated from doing their duty to the people and to the country by anything which might have been said out of doors. The eyes of the whole nation were upon their Lordships at the present moment, and it behoved them so to discharge the duties of that situation in which God had placed them as to merit the approbation of their fellow countrymen. If his Majesty's Ministers had come forward to ask the sanction of the House to a measure which was their own instead of the present measure, which was wholly changed in principle, he repeated, it should have had his support. If, however, the Government were determined to persevere with the present Bill, the consequences which he anticipated must rest upon their heads. He called upon the noble Viscount at the head of the Government to act consistently with the measure originally introduced.

Viscount *Duncannon* concurred with the noble Earl who had just spoken, in thinking, that the Government would have done wisely if it could have adopted a measure calculated to assert the dignity of the law, as the noble Earl had called it, and thereby to effect the recovery of tithes; but it was impossible to disguise from their Lordships that tithes could not now be recovered in Ireland, not even by bloodshed and disorder. He rose, however, principally for the purpose of showing the difference which prevailed between the present Bill and the measure which had been originally introduced. The first Bill brought into the Commons was upon principle similar to the present, at least so far as the objection made by the noble Baron who had first spoken—namely, in attaching the revenues of the Church. He was, however, quite sure, that if their Lordships would look to the Reports which had from time to time been made by Committees of both Houses of Parliament, they would find that every one of the clergymen who had been examined had declared, that he paid at least twenty per cent for the collection of his tithes. From his own residence in Ireland, he well knew that such was the case—nay, indeed, that in many cases much more was paid. In the former Bill, it was true, there was contained a power, at the end of five years of redemption; but this redemption even then, as his noble friend behind him (the Marquess of Lansdown) had pointed out, could not arise without a conversion of tithes into land—a conversion to which he confessed he had an insuperable objection. Let their Lordships bear in mind, that during this period of five years the people, he meant the peasantry of Ireland, would necessarily be kept in a complete state of warfare, perpetuating all the evils of the present system; and let them consider how much such a period of contention must add to all the vindictive passions. By the measure now before their Lordships these evils would be avoided; and he recommended it for their adoption as the only Bill in which the real interests of the people had been regarded. The peasantry would, under its provisions, be relieved from at least forty per cent in the expenses of collection. He was sure the noble Baron who moved the Amendment would not contend, that the objection on the part of the people of Ireland to tithes was new in its origin. For the last 100 years it had ever been the occasion of tumult and discord in Ireland. He would refer the noble Lord to the address which had been delivered by a right hon. Gentleman (Mr. Goulburn), on introducing in another place, some few years ago, the Tithe Composition Bill. On that occasion the right hon. Gentleman to whom he alluded had distinctly stated his opinion upon the collection of tithes in Ireland; and so applicable to the present measure did those observations appear to be, that he (Lord Duncannon) must trouble their Lordships with them. The right hon. Gentleman, after recommending to the House the measure he then brought forward, as one calculated to remove or alleviate certain evils which were universally acknowledged to be connected with the tithe system as existing in Ireland, observed, that 'the collection of tithes in 'Ireland was in every respect distinct from 'that which prevailed in England. In 'the former it presented difficulties almost 'insuperable; in the latter it was attended 'with little, if any, inconvenience. And 'why?—because tithes in the two countries were collected from very different 'classes of the community. In England 'the tithes were paid by the middling or 'higher classes, by those who had a considerable, or at least some, capital employed in agriculture; in Ireland they 'were paid by the very lowest of the peasantry, and almost by them alone. This 'very circumstance created almost all the 'difficulty which was connected with the 'tithe system of Ireland. It necessarily 'brought the clergyman into hostile contact with the lowest part of the community; it placed him in the painful situation either of abandoning the greater 'part of his income, or of getting into a 'course of litigation with the greater part 'of his parishioners; for it was obvious 'that where the income of a clergyman 'was derived from numerous payments, 'each of which did not exceed a few 'shillings, he was compelled either to enforce the payment of those sums from the 'poor, or to give up his income altogether. 'This was generally the case in the southern and western parts of Ireland.'* Now every person who looked at the events of the last three or four years, must be well aware that the case stood precisely as it had been thus described by the right hon. Gentleman some years ago. Within that period two cases had been mentioned (one in another place) in which two clergymen, though aided by the military and police, had been entirely foiled in their endeavours to collect one shilling of tithes. There was of these one case in the county of Cork, to which he could not avoid calling the attention of their Lordships, because it would serve to show what would be the effect of rejecting this Bill, and of thereby throwing the clergyman upon the vantage-ground which the noble Lord (Lord Ellenborough) had contended, was created by the Tithe Composition Act. "The reverend Mr. Locke owned the tithes of four parishes. About 2,900*l.* was due to him in the month of April last. At this time he was forced to require military and police aid from the Government to protect his servants to be employed in distraining. During seventy days a great body of troops and police were engaged in rendering to Mr. Locke every service he desired to enable him to recover these arrears. At the end of that period he writes to Mr. Littleton a letter, informing him that he felt himself at last compelled to relinquish the undertaking and abandon his rights, and urges on the Government to devise some other mode by which his property can be secured to him. He complains, that notwithstanding the troops, with occasional intervals necessary for their rest, have been employed in scouring the country for more than thirty days, the peasantry, always aware of their approach, have never failed to secure their cattle in their houses; that he had resorted to the expedient of marching the troops at night, in order that they might be on the spot before sunrise. But all was in vain. The barking of the dogs at the distant tramp of the horses gave notice to the farmers, and the cattle were invariably housed before his servants and the troops could reach the ground; in short, they had not realized on an average so much as 4*l.* a-day during the seventy days the force was retained, or about 8*l.* on each of the days that they were out; and that unless the Lord-lieutenant would consent to an increase of the force, and its being actually encamped everywhere on the particular localities on which he wished to distrain, it would not be possible to starve the cattle out of the houses. Further attempts were consequently abandoned by him at the end of May." The second case was that of the reverend Mr. Whitty, in the county of Wicklow, whose servants, though aided by military and police, had been unable to recover a single shilling under precisely similar circumstances. He read these extracts with a view to show that which he feared would be the result of the rejection of the measure now before their Lordships. On the other hand, he entertained a hope that the Bill once passed into a law, would be hailed as a boon by the peasantry of Ireland. He must repeat, that the present was the first Bill which had ever been submitted to the Legislature which designed a benefit to that class of the community. He did not mean to say, that this had been intentionally neglected at former times, but he contended, that their Lordships had never before legislated upon any measure that was not unfavourable to the peasantry of Ireland. He would especially instance (not that he conceived those measures to have been productive of no benefit to Ireland) the Subletting Act and the disfranchisement of the 40*s.* freeholder. Hence it was, that he conceived the Bill would be received by the people of Ireland as a boon, and yet he understood some of their Lordships were prepared to reject it. He, however, entreated their Lordships to consider well what would be the situation of the clergy of Ireland consequent upon the rejection of this measure. When the noble Earl opposite (the Earl of Winchilsea) had called upon their Lordships to save the clergy of Ireland from the horrors of this Bill, it was incumbent upon their Lordships to bear in mind the condition to which that body were now reduced. His noble friend at the head of the Government had read to their Lordships a paper containing the opinions of the clergy of the district of Dromore, in reference to the Bill, and, in addition to that, he could state, that such also were the sentiments of the clergy in the south-western districts of Ireland. He was not surprised that a greater expression of opinion on the part of the clergy in favour of the Bill had not reached their Lordships, when he remembered, that such great exertions had been made by the most reverend Prelate at the head of the Irish Church Establishment, by writing to them and impressing on the minds not only of those who were present at the meeting in question, but of others, objections to this Bill, and endeavouring thereby to influence the votes of the Prelates that night. He hesitated not, however, to say, that if the Bill should be rejected, the clergy of Ireland generally would be just in the situation of the two individuals of their own body to whose cases he had called the attention of the House. What, he repeated, would be their situation after the 1st of November next? He felt confident, that all exertions in their favour to assert the law and to support their legal claims would entirely fail, and that by means of the passive resistance which had been described nothing would be found by the clergy upon which to distrain; and thus, after incurring considerable expense in fruitless efforts, they would not recover one shilling of their tithes. On the whole, he conceived this measure to be founded as fairly, both in respect to the clergy and the landlords as well as to the peasantry of Ireland, as the existing state of that country rendered possible. Notwithstanding what had been urged to the contrary, he could not conceive what better security the clergy of Ireland could have than that which was provided by this measure, and he could not believe, that any clergyman, knowing the state of Ireland, and the impossibility of collecting tithes, would for a moment hesitate in admitting that, under the circumstances, the terms provided for him by the Bill were good and advantageous. The estimated amount of the total revenue that would eventually be at the disposal of the Ecclesiastical Commissioners, when all the funds were available, was as follows:—

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* Hansard, vol. ix. (new series) p. 370.

1.—*For General Purposes.*	£.
From the net incomes of the eleven suppressed sees, including Ardagh......	50,873
From the excess of revenue of the sees of Armagh and Derry..............	10,660
From annual tax on the incomes of all ecclesiastical benefices exceeding 300*l.* per annum, supposing them all to be in charge, and deducting one-fifth of tithe-compositions allowed to landlords, estimated at	22,000
From repayment of glebe-house loan instalments, which will cease in the year 1848	7,500
	91,033

2.—*For Augmentation Purposes.*	
From Boulter and Robinson's augmentation funds........................	5,000
From the incomes of dignities and prebends coming within the provisions of the Amendment Bill	11,500
	16,500

3.—*Perpetuity Purchase Land.*	
From the sale of the perpetuities, estimated to produce a capital of about 1,200,000*l.*, which, at the rate of three-and-a-half per cent, would produce an annual income of about............	42,000

There was in the Bank only 1,800*l.*; but after the Commissioners declared the amount, and it was approved of by the Lord-lieutenant, the parties willing to purchase had six months to pay in the amount of their purchase-money. There were sales to the amount of 91,000*l.* approved of by the Lord-lieutenant; two or three only had announced their intention not to complete the purchase, and of course the Ecclesiastical Commissioners inferred that it was the intention of the other purchasers to complete their purchases within the time limited. One observation now as to the alteration which had been made in the Bill as originally framed. He admitted, that in its first shape, and before the Amendment was carried, the law at present existing had been (as the noble Earl opposite said) asserted; but when the Amendment came to the other House, proposed by the Irish landlords, for from them he declared the proposition to have emanated, though it was said to be a mere measure of Mr. O'Connell's, a very different question presented itself. He again said, that the Amendment was not Mr. O'Connell's proposition, though he thought that hon. and learned Gentleman had very wisely adopted it; it was the result of a Resolution to which the Irish landlords resident in London had come, and which would have been brought forward even though Mr. O'Connell had not embraced it. He was afraid he must anticipate, that their Lordships were prepared to say, that any proposition, however good, if made by Mr. O'Connell, ought to be rejected by them. [The Duke of *Cumberland:* Was it not opposed by Lord Althorp in another place?] Yes, most certainly, because his noble friend, as a Minister, was bound to support the Bill propounded by the Government; but when he had obtained the sentiments of the Irish landlords upon it, he was justified in giving way. He rejoiced that his noble friend had done so, for he was persuaded that the only chance of tranquillity for Ireland was in taking away the collection of tithes from the occupying tenant, and collecting them from the landlord. He would not go the length of saying, that tithe was not to be recovered by putting in force the existing law, but, on the other hand, he was confident, that if such a course were persevered in, the result would be fields of bloodshed, and the most dreadful suffering. Every observation which he had made for the last few years, compelled him to come to that conclusion. The noble Baron seemed to have forgotten that the only alteration which had been made in the measure was this—that, whereas, by the Bill as originally introduced, the landlords were to take on themselves the collection of tithes in five years, and in the present Bill they were to do so immediately. When he said he was glad his noble friend in the other House had been compelled to give way on the subject, he must also remark, that he was not surprised at such a proposition having been made; if it had not been brought forward by the hon. member for Dublin, he believed it would have been by some other individual. His noble friend, doubtless, thought it right to support the Bill as it was originally introduced to the House of Commons, but when he found that every Irish Member who was present—[The Duke of *Cumberland:* "No, no."] If not every Irish landlord, nearly every Irish landlord present, supported the proposition. He admitted, that there, perhaps, was not a full House on that occasion. He would say, then, that when it was found that nearly every Irish landlord supported the proposal, there was at once a strong justification of its adoption. For himself, he felt confident, that no other means would have given a chance of establishing peace or tranquillity. In conclusion, he begged to say, that he concurred with the noble Lord who had last spoken, in feeling that their Lordships were now called on to perform a most important duty, which they should discharge without fear and conscientiously; but he entirely differed from that noble Lord in what he considered their Lordships' duty, on the present occasion, to be.

Viscount *Beresford* rose merely for the purpose of alluding to an assertion which had been made by the noble Lord who had just sat down—an assertion affecting a relative of his (Viscount Beresford's), the most reverend Primate of all Ireland. The noble Lord had said, that the Primate of all Ireland had exercised all his endeavours and his most strenuous exertions to bring the clergy into opposition to this measure, and that at a meeting of the Prelates he had attempted to influence the votes which they should give on the present occasion. Now, knowing as he did, that most reverend Prelate intimately, and being also fully possessed of his feelings in reference to this measure, he could positively assert to the noble Viscount, that he had stated that which was most unfounded, and he called upon the right reverend Prelate (the Bishop of Derry) who had spoken early in the evening, to state whether at the meeting of the Prelates of Ireland, the most reverend Primate had attempted to use any such influence as that which had been ascribed to him.

Viscount *Duncannon* begged to say, that he had meant to convey to their

Lordships no such sentiments as those attributed to him by the noble Viscount. If he had done so, he must express his regret. What he had meant to convey was merely that the most reverend Prelate had addressed letters upon the subject of this Bill to the clergy of Ireland.

The Bishop of *Derry* said, that as he had been appealed to by the noble Viscount opposite, and on the other side of the House, he must say, that when in the course of the evening he had alluded to the most reverend Primate of all Ireland, he had taken some pains to convey and mark to the House the feelings of respect which he entertained for that individual, who so ably and advantageously presided over the body to which he belonged. The noble Viscount had, however, called upon him (the Bishop of Derry) to say, whether his Grace the Primate of Ireland had exercised either his influence or persuasion to secure an opinion from him and the rest of the reverend Bench favourable to the views he had himself taken of the subject now under their Lordships' consideration. In reply, he begged to state, that not one single word issued from his Grace's mouth calculated to effect such a purpose. He trusted, that he should ever have the manliness to support his own opinions without dictation, and he must do the most reverend Prelate to whom allusion had been made, the justice to say, that no influence had been exercised by him in respect to himself, and that he believed the most reverend Prelate to be incapable of any act which would not bear the scrutiny of the most virtuous mind.

The Bishop of *Meath* was understood to say, that their Lordships in legislating on this subject should regard the Irish Church as an integral part and parcel of the Church of England. This measure, in his opinion, was replete with injury to the Church. It was so full of the materials of destruction to the Church of Ireland that he should never consent to it. He would, on the contrary, give it his decided opposition. They had heard a great deal as to the effect of this measure, and of another measure—the Irish Church Temporalities' Bill. They were told, for instance, that the Perpetuity Purchase Fund, which was to form a portion of the practical machinery of this measure, would amount to 1,200,000*l.* a-year. It would require twenty-five years to elapse before it reached that amount. In the mean time, the Irish clergy would have to be paid out of the Consolidated Fund—that was to say, out of the pockets of the people of this country. Was it to be supposed that the people of this country would continue that? They talked of the rich clergy of the Irish Church. He knew that they were in a wretched situation, he knew that they were suffering a great deal, but he also knew that they would rather suffer much more than take such a measure as this.

The Bishop of *Derry* in explanation said, that he had not changed his opinion on the subject of the Tithe Composition Law.

The Earl of *Mansfield* said, that the subject that night under discussion was of so important a nature, that he could not avoid trespassing on their Lordships with a few observations in explanation of the vote which it was his intention to give against this Bill. He had endeavoured to divest his mind of all prejudices on the subject—he had taken into consideration all the difficulties that surrounded this important question—he had more particularly adverted to the circumstances that had attended the discussion of this measure elsewhere; and after giving the most serious attention to all these matters, he felt it his duty to reject this Bill, though he was by no means insensible to the inconveniences—indeed, he might say, the dangers—to which the clergy of Ireland would be exposed by its rejection. On the other hand, he saw no security for their rights and interests provided by this measure. On the contrary, it appeared to him, that the yielding to injustice, which would be the case if they passed such a measure as this, would be construed into an admission, that the rights of the Irish clergy were either not just, or that those rights were not sustainable, and that, in fact, it would lay the grounds for future evils. He would repeat what he had said many years ago in that House, when many events that had since occurred were then but matters for conjecture. He then said, what he would now reiterate, that the transference of the burthen of tithes from the occupier to the proprietor of the land, variable according to the price of corn, and not variable according to the improvements of the estate, was an arrangement that might be beneficially introduced in any country, and more especially in such a country as Ireland, where the majority of the people were Dissenters from the Established Church. When tithes were converted into a rent-charge, he could not see upon what principle the redemption of that charge would be objectionable. Thus disposed, and entertaining those opinions, it might appear strange that he should oppose this Bill. But, in his mind, there was in this Bill a manifest departure from the principles of justice, which should be particularly observed in dealing with the property of any body of men. It should be observed, too, that that injustice was proposed to be perpetrated with regard to property and rights which were at least as sacred as any other description of property, and that if they should depart from the strict line of justice with respect to church property, it might lead to attacks upon property similarly situated, and eventually, perhaps, to attacks upon property of other descriptions. The noble Lord, after going through the details of the original Bill as brought forward by the right hon. Secretary for Ireland, proceeded to observe, that the amount of the deduction which even in that Bill it had been proposed to make from the tithes belonging to the clergy, and which were to be converted into a rent-charge, was extremely questionable. At all events, it was a point that should not be hastily decided upon, and without proper inquiry. A portion of that deduction was undoubtedly justifiable, on the grounds of the difficulties attendant upon the collection of such property as tithes even in tranquil times, and under ordinary circumstances. But it was well worthy of inquiry, whether a portion of that deduction was not made on account of the difficulties in the collection of tithes, owing to the disturbances that prevailed in Ireland on the subject. If any portion of it were made on that account, it was obvious that there would be gross injustice in making it. The noble and learned Lord on the Woolsack had more than once of late told them, that allegiance was only due for protection, and that both should be reciprocal. Nothing was more certain than the unfeigned loyalty of the Irish clergy, and if that protection to which they were entitled had not been afforded to them, their present losses, surely, constituted no argument why a future deduction should be made from their property. The Government by doing so would be taking advantage of its own wrong, and it would be actually holding out a premium to agitation. It was, therefore, a fit subject for inquiry, whether the deduction proposed was evidently fair and reasonable. There was a great difference both in the principle and the spirit of the first Bill, the Bill to which he had been referring, and that which was now before their Lordships. The original Bill made a deduction of one-fifth, and this Bill a further deduction of another one-fifth in favour of the landlords, for in the first Bill there was a reduction of the rent-charge to four-fifths, and in this Bill it was still further reduced to three-fifths. He had already stated his opinion that tithes were a burden on the land, and that the landowners ought not to be relieved from them. He believed that others had viewed the subject in a different manner, and contended that the property of the land was divided into tenths; that nine-tenths belong to the proprietors of land, and one-tenth to the clergy. If that was the case, the proprietors of the nine-tenths ought not to be relieved from the burden, or acquire any property in the remaining tenth, except by purchase or other ordinary mode of acquisition. In no case could there be in justice a deduction in favour of the landlords. It was said, that this deduction was made in their favour without falling on the clergy; that the *bonus* of forty per cent. was offered to the landowners in order that they might undertake the collection of tithe, and prevent any interference of the Government in the collection. But under the Bills already passed, landlords were made chargeable with tithes on account of tenants at-will, or tenants holding under leases since agreed to: and thus an approximation was gradually made, as old leases dropped out, to that principle on which, in his opinion, under reasonable conditions, a proper arrangement might be effected. This deduction, however, being made, the clergy were to be paid by the State, a sum equal to what was received from that rent-charge, and then the deficiency was to be supplied by a transfer from the Consolidated Fund in the first instance, the repayment of which was to be made from the Perpetuity Fund, and other funds provided by the Bill of last Session. It appeared to him that this arrangement was wrong in principle. In the first place, it required the country to interfere and pay those tithes which should fall on the landlord; and, secondly, it was a diversion to other and secular purposes, of the sums appropriated by the Bill of last year, for it was to supply those payments which should have been made by the landlord. There seemed to be a material difference of opinion as to the amount of the fund arising under that Bill, if burdened, as it was, with the expense of repairing churches, and of providing for the service of religion which used to be paid for by the vestry cess. He understood that the amount of the Perpetuity Fund would not be so great as was expected, and they might therefore calculate upon a deficiency in that quarter to meet the demands of the clergy. If that should be the case, they would be obliged to come to the Consolidated Fund—that was to say, that they would be obliged, as the right reverend Prelate had truly said, to come to the pockets of the people of England and Wales and Scotland, to meet that deficiency. He feared that such would be the case, and he feared that in such circumstances the people of this country would, rather than pay that deficiency, let it fall upon the clergy; and if it did so turn out, he believed that it would only meet the expectations and fulfil the wishes of one who had been very much connected with this Bill. The avowed object of that individual would be promoted, if not accomplished, by it, namely, that tithes should be divided into three parts —one-third to be appropriated for the benefit of Protestants of every sect, one-third to be given to the Catholics, and one-third to be applied to civil purposes. He was aware that that proposition had been indignantly rejected by his Majesty's Ministers, but he must say, that such a system by the operation of this Bill would be greatly advanced towards being finally carried into effect. He thought, then, that the clergy, in opposing this Bill, took a just view of their own interests. He knew, that in consequence of the rejection of this measure, they would be exposed to great inconveniences. There was no doubt as to that. But if difficulties should arise, they must come to Parliament for relief; and he trusted, that under such circumstances, when their distresses were properly laid before Parliament, they would obtain consideration and relief. Their situation, he believed, would be somewhat improved by the Bill, which would come into operation in November next, and which would give them greater facilities for the recovery of their tithes. If he could entertain any hope of a final and satisfactory settlement of this great question, he should gladly concur in any measure calculated to effect that object. He could safely say, that he should have no disposition or prejudice against any measure that would be satisfactory to the clergy and fair towards all parties, no matter from what source it might come, and certainly he should not object to such a proposition coming from his Majesty's Ministers. He must say, that the satisfactory arrangement of this question had been greatly impeded by the conduct—by the weakness—by the errors, as the noble Viscount called them—and by what he would call the something more than errors of the present Administration. There was not a successful combination against tithes until sometime after the change of Administration in 1830. That statement he was aware had been disputed in that House, but it had been admitted in the other House by a right hon. Gentleman then connected with the Government. He thought that a great deal of the success in the combination to resist the payment of tithes had been owing, and was fairly attributable, to the mistaken conduct of the Government. Their non-renewal of the Proclamation Act in the first instance, confessed as it was by themselves to be necessary, was a great mistake. Then came the unfortunate use of the words "extinction of tithes," which, though they had been explained in a manner sufficiently intelligible in that House, conveyed an erroneous impression to the people of Ireland, which impression had been afterwards confirmed in a late Speech from the Throne. Then there was the prosecution against the hon. and learned member for Dublin—a prosecution which had been commenced somewhat in the spirit of vengeance, and which was afterwards abandoned from the baseness of fear. The Government almost immediately afterwards conferred upon that individual a patent of precedence. He was aware that that had been defended on the grounds of justice and policy, but he must say that such a proceeding had been always considered by men of impartiality and common sense as a direct and undisguised premium on agitation. What could the Protestants of Ireland expect from such a Government, acting in such a manner? What could the clergy of Ireland expect from such a Government,—a Government that had allowed a magistrate who had presided at an anti-tithe meeting still to continue in the commission of the peace? It was necessary for him to revert to what had occurred previous to the introduction of this measure elsewhere, in order to demonstrate the spirit in which it had been framed. The late right hon. Secretary for the Colonies, seceded from the Cabinet on the grounds, as stated by himself, that Ministers had in contemplation measures affecting the security of the Church: would it be said, now that this measure was before Parliament, that that right hon. Gentleman was mistaken in entertaining such apprehensions? He differed from that right hon. Gentleman in some very essential particulars. He knew that the right hon. Gentleman had taken what he no doubt considered a glorious part in the promotion of those measures which had been passed by an artificial decision of their Lordships' House. Remembering that the right hon. Gentleman had supported that Bill, of which he would now speak with respect, it having received the sanction of Parliament to become the law of the land, but of which he must say, that he viewed it at the time as an act of spoliation—remembering this, he certainly heard of the secession of the right hon. Gentleman with surprise. The noble Earl then at the head of the Government, might well have exclaimed on that occasion,

> "Hath he so long held out with me untired,
> And stops he now for breath?"

Tardy, however, as was the conviction the right hon. Gentleman had come to, he was glad to see it. It read a useful lesson to the country. The very first acts of the Ministers after that right hon. Gentleman's secession, confirmed his apprehensions; they brought forward that commission, of which so much had been heard, and then they supported this measure. Then came the late changes in the Cabinet, the occurrence of which was clearly in connexion with the conduct of the Government in reference to the Coercion Bill. To make matters still more clear, to demonstrate their animus more obviously, an arrangement was made with the hon. and learned member for Dublin, not a suspension of arms, not a treaty of peace, but an arrangement on the part of Government with that *fidus hostis* of theirs, for the purpose of enabling him to modify his own arrangements on the question. Then was this Bill allowed to be altered by one who was the avowed enemy of the Church. The noble Lord, the Chancellor of the Exchequer, was beaten by him on that point, but in such a manner as showed that the noble Lord did not make all the resistance which he might have made upon the occasion. He did not wish to say anything harsh of his Majesty's Government, but he must say that even the most sordid love of place (which he did not attribute to them) would scarcely make others envy them the situations which they now held. He wished at the same time to take that opportunity to defend noble Lords on that side of the House, with whom he had the honour and the happiness to act, from imputations that had been thrown out against them. It had been attributed to some noble Lords there, that they were actuated by mortified pride and disappointed ambition. If passions so base could take possession of their minds, what greater gratification could they possibly receive than to behold the degraded state to which their political adversaries had now been driven? Did his Majesty's Ministers know how low they stood at this moment in public opinion? That public opinion which differed from the noble Earl late at the head of the Government,—that public opinion, which, more than the spirit of the age, did regulate, and ought to regulate, the conduct of public men? The public opinion to which he was referring, was the opinion of those persons in this country who were connected, adventitiously perhaps, but generally connected, with property. Of such persons, exercising their reasoning faculties, and attending to their own interests and the interests of the country at large, there did not exist in any country in the world, so great a proportion as in this. It was to the public opinion of such individuals that he had been referring. It was by that opinion that the conduct of public men should be regulated, and if his Majesty's Ministers did but know what was said of them by such persons—if they did but know what thorough disgust their conduct had excited amongst them—if they did but know the effects which the withering blast of the hon. and learned member for Dublin's approbation had upon their fame, they would, if not totally reform, do their best to reform the errors into which they had fallen. The first acts of the present Government had certainly been unfortunate. He trusted that they would do something to redeem their past conduct. He, for one, would give them an opportunity for reconsidering the subject, and he believed that a large majority of their Lordships would join him in doing that by rejecting this Bill. The absurd apprehension of a collision with the other House, would not prevent their Lordships from acting as they thought rightly and justly. The House of Lords, feeling it its duty to do so, would reject this Bill, and he was sure that act of theirs would be responded to by the great mass of public opinion out of doors. He trusted that the expression of such an opinion on the part of that House and of the country, would have due weight upon his Majesty's Ministers; and he for one would be inclined next Session to give every attention to a measure on the subject, especially if it emanated from his Majesty's Ministers. At present, he discharged his duty by conscientiously rejecting this Bill. He only regretted that the importance of the subject had rendered it necessary for him to trespass so long upon their Lordships' attention.

The *Lord Chancellor* rose to occupy their Lordships' attention but for a short time, while he made a few observations upon the important subject now under their consideration. After the speeches which had been delivered during the evening, all with one exception, remarkable as they were for that tone of calmness and quietness with which a subject embracing such great interests should be discussed, he was sorry to find the noble Earl who had just sat down, depart so widely from an example thus universally and honourably set to him. Even the noble Baron who had moved the Amendment, made a speech distinguished for its calmness and its candour, though he (the Lord Chancellor) must say that he differed from all parts of that speech, except that part in which the noble Baron had done so much justice to all the measures of the Government during the last three years. The noble Baron had done so unwittingly perhaps,—perhaps he did not intend it, but it so happened that in this, as in other cases, "out of the fullness of the heart the mouth speaketh." The noble Baron went further, probably, than the tactics of his party would warrant on this occasion; but the tone of the noble Baron's speech had been most candid and fair, perfectly well adapted to the great importance of the question, which involved interests connected with, not merely the stability of the Irish church establishment, but the very existence, certainly the subsistence, of the Irish Protestant clergy. He regretted, he repeated, that the speech of the noble Earl who spoke last, had formed so striking a contrast to that and the other speeches that had preceded his in the course of this discussion. On such a subject as the present, he should have thought it impossible for any reasonable man to be so carried away by party feeling as the noble Earl who last addressed the House. On so important a question, demanding the most calm and deliberate attention, to have flown off from the immediate subject, to have digressed from it and mixed up with its consideration every party topic, and made a speech personally directed against Ministers, and on extraneous matters rather than in reference to the Bill before the House—to have acted in this manner, as the noble Earl did, had very much surprised him, and disappointed the expectations which he entertained from the previous conduct of the noble Earl. He would take leave to deviate from the example set by the noble Earl in this respect, and would abstain from adverting to all the party and personal topics in which he had indulged, and rather attempt to recall their Lordships' attention to the important subject now before them, in preference to meandering with the noble Earl through all the foreign and irrelevant matters introduced in the course of the noble Earl's address. He wished to appeal to their Lordships' calm and dispassionate judgments, in reference to the merits of the present measure, and to set aside all extraneous topics. He called on their Lordships in mercy to that suffering body, the Irish clergy, to pause before they rejected this Bill, though he feared, and knew from what the noble Earl had said, that he should call in vain; nevertheless, as prudent, discreet, and dispassionate men, he called upon their Lordships to pause. As respected the merits of the measure, he agreed with his noble friend at the head of the Government, that there was no real difference of principle between the Bill now under consideration and that originally propounded by Ministers. The principle of the original measure was to throw the burthen of tithes on the landlords, and to terminate the conflict existing between the tithe-owner and the peasantry. This was to be done sooner or later, but, at the latest, the object would be effected at the end of a period of five years. Such was the principle of the original Bill, and the main alteration in the present measure was one which threw the burthen on the landlord immediately, instead of waiting till a certain period had elapsed previously to adopting that course. That was no change in the principle of the Bill, but it was, he begged to submit, a very great improvement. He came next to the authorship of the measure. If it were said that the persons who proposed or supported it were individuals of very questionable authority on such matters, he answered that one gentleman, a right hon. Baronet, who was an undeniable friend to the established church in England and Ireland, had ridiculed the proposition to postpone the payment for so many years as was originally intended, and plainly said that it would be infinitely better, supposing the principle to be adopted, if the charge on account of tithe were made payable by compulsion at once. He agreed with his noble friend at the head of the Government as to the comparative advantages of this Bill over the present law as regarded the condition of the Irish clergy. What was the situation of that body? The Irish clergy had now a right to 100 per cent of tithe, having that right secured past all doubt by the law; but there happened to be what was called by lawyers a severance between the title and the possession, and the same person who had an undoubted right to 100 per cent was often in a situation which required him to struggle and fight and inflict much misery to obtain a tithe of his demand. The tithe owner was out of possession, he had the law with him, and the fact against him. When such a state of things existed, lawyers were aware that an ounce of fact was worth a pound of law, and no men felt the truth of that maxim more than the owners of Irish tithes. What was it that Government had done in framing the measure originally, and in afterwards improving it? They said to the Irish tithe-owners, " Instead of standing on your strict right of 100 per cent, which we well know the difficulty, nay impossibility, of enforcing, causing, as the attempt to obtain it does, bloodshed, every species of misery, disturbance, and civil broils, instead of aiming at what it is admitted you cannot get, and that if you were even to get for one year would next year be most insecure and precarious—instead of this, why not give something for the sake of security and peace, for the means of collection, and as a saving of the present cost of collection? Instead of 100 per cent you shall have 77*l.* 10*s.*, twenty per cent for security, and 2*l.* 10*s.* for the cost of collection." That was what the Bill said. How many of their Lordships were there who happened to be so felicitously circumstanced as owners of estates, that they would not gladly make such a composition, if they were perfectly certain that as soon as a given day came their rents would be paid in paper as good as gold at the office of the Woods and Forests, without risk of bad debts or expense of collection? How many of their Lordships with 100,000*l.* a year of nominal rent, which they were not in actual possession of—how many of them were there who would not think it a good compromise, a most excellent bargain, to receive 77,500*l.* as regularly as the clock struck, in half-yearly payments, in good paper, convertible into gold? It was clear that the Church would be benefited by the present measure. " But," said the noble Earl who had last addressed the House,—" how is the landlord to obtain from his tenants re-payment of the advances which he will make on their account?" The answer to this question was extremely simple:—if the landlord collected his rent at present, he would be able to collect it in future, augmented by the advances on account of tithe. But that the measure would be of great benefit to the Irish Church was undoubted, whatever injury it might inflict on the landlord; and that the Irish clergy would do unwisely and ill, not merely in rejecting, but in hesitating to accept it, was equally certain. But he was told, that it was not so much the measure itself as its supposed author that was objected to. Were the Bill ever so good, ever so advantageous to the interests of Church and State, it mattered not, so long as it proceeded from a suspected source. The benefits of the measure only regarded the merits of the case, and the duty of the Government in proposing, and of the Legislature in passing or rejecting it. These were simple considerations, according to the noble Earl, who said, that the main thing for their Lordships to bear in mind was, not whether the measure was bad or good, but how, and by whom, it was proposed. "If the Bill had been proposed by Ministers," said the noble Lord, with overflowing candour, and an extreme degree of kindness and compassion, the noble Lord having now some one in view whom he hated even more than his Majesty's Ministers,—"if the measure were only brought forward by Government, or if they would bring it back to the state in which it was when they first introduced it into Parliament, I promise to withdraw all opposition as regards it." "Oh that we had," exclaimed the noble and learned Lord, "the noble Lord always in this benignant mood! Oh that we could be sure all the noble Lord wanted was to be satisfied that we were proposing our own measures for the approbation of Parliament! What reforms I should rejoice to see introduced in the next Session if this happy, and candid, and liberal disposition of the noble Lord were to continue, and if it were not to be soured in the interval! I pledge myself that no human being should know a tittle of anything,—that the measures to be introduced to your Lordships should be entirely and exclusively the measures of his Majesty's Government,—that your Lordships should have Ministerial measures, the whole Ministerial measures, and nothing but Ministerial measures. I am afraid, however, that the noble Baron's kind disposition will not continue till the month of January or February next, before which time, with all my respect for your Lordships, I can assure you I have not the slightest wish to meet you here." Well, then, if such were the professions of noble Lords, what made them, and especially the noble Earl who spoke last, so indignant at the plan as it now stood? He would not do anything so invidious as to speculate upon what would have been the sentiments of the noble Earl and of the noble Baron, had the Bill been brought up to them in the shape in which it was introduced into the House of Commons; but he could not help suspecting, that there would have been something to say against it, that a few syllables, and even a few words, would have been altered. He could not believe that the second reading would have gone off quite so smoothly and placidly in the present tense as it did in the preterpluperfect. What a man did they could judge of; but what a man might, could, should, or would have done they could not judge of, because they could not even say what it would have been; no, not even when a man himself told them, for he could not himself know. He, therefore, had a strong suspicion on his mind, that if no change had been made in the Bill in the other House of Parliament, they should have had some words on the second reading, a few more in Committee, and more upon the bringing up of the Report,—if, indeed it would ever have been read a second time, for, as far as reason and principle went, there was no argument that had been urged against the Bill to-night which would not have been just as applicable to the Bill as originally introduced. Was not the matter, then, reduced to this, that an important legislative enactment was to be received with open arms, or repudiated with disgust, indignation, and almost fury, not upon its own merits, but the merits, real or supposed, of an individual, who, in the other House of Parliament, had a hand in introducing one or two material alterations, and, as he maintained, amendments, into this measure? He had heard somewhat to-night about degraded men, of debased Ministers, of their lowness in public estimation, and the expediency of their being humble in their own eyes—particularly had he heard this from the noble Earl who had just sat down; but he did not think there was a more unworthy course of proceeding, a more degraded state, a more humiliating posture, either for a man, a Minister, or a member of Parliament, than that there should exist one individual who was so master of your motions as to make it sufficient for him to adopt a plan for you not to approve it; for him to approve of any proposition to make you against it; for him to put forward an Amendment to induce you to reject it; for him to say, Give me this, to make you say, You shall not have it; for him to beg a boon for the clergy of Ireland, to make you deny it; for him to entreat of you to withhold mischief from the sister country—to save it from the torments of civil war, to make you exclaim, "What care I for civil war—what care I for gratifying the clergy—what care I about purchasing peace—what care I for all that—am I to degrade myself by taking a hint from Mr.

O'Connell—shall he dictate to me? But he did dictate to them; and the only difference between the opponents of this Bill and his Majesty's Ministers was, that the latter came forward honestly and fairly, in a manly and direct manner to yield to what he proposed; whilst the former, their pride apparently predominant, like a spoiled child, or boarding-school miss, who did this thing, or that thing, not because she listed, but because her maid, her comrade, or her mistress desired her to do the contrary. He (the Lord Chancellor) had uniformly been one of those who had declared his opinion against that individual whenever he thought his conduct called for censure at his hands. No man on either side of the House—perhaps no man in Parliament—had used less of censure, less of management in the expression of his opinions with respect to that hon. and learned person when he had deemed it his duty—and a most painful one he had felt it to be whenever he had had to discharge it—to animadvert upon his opinion; but because he disapproved of his conduct—because he greatly blamed and deeply lamented parts of his conduct as mischievous to Ireland, and wholly unworthy of his great talents and abilities, to which he was always ready to do justice,—he had entered into no bond—he had made no covenant with himself to allow Mr. O'Connell to govern him by the rules of contraries, to adopt whatever he rejected, or reject whatever he approved, simply because those several proceedings would be opposed to his. He held it to be his duty to consult for the good of this realm, to advise his Sovereign in those things which belonged to the interests of his Crown and people, and not less than anything else to consider what belonged to his peace and the peace of his dominions; and if he knew and felt that a proposition which came from Mr. O'Connell was an improvement on a measure he had brought forward, he was neither so vain as to reject it because it was not his own plan, nor idiot so flagrant as to refuse it because it proceeded from one in whose conduct in all particulars he could not agree. Nay, he would go further, and he should not be accused of truckling to any man, when he said that, barring the possibility of misconception, which, however, could not take place where nothing but the truth was spoken (and here he should take the opportunity of saying, that interference, bargain, understanding, agreement there was none whatever between Mr. O'Connell and any part of the Government)—barring, he said, the possibility of a misconception of that kind, he should think, that, so far from its being an objection to an Amendment of which he approved on its merits, that it came from Mr. O'Connell and his party, it would, looking to the peace of Ireland and the greater chance of tranquillity there for the next six months, be an additional reason for his opening his arms to receive that Amendment. But the noble Earl must step three years back for the purpose of bringing a charge against the Irish Government, and against the Irish Chancellor, for giving a silk gown and a patent of precedency to Mr. O'Connell. Since when, he asked, had it been the custom, that a gentleman whose learning, talent, experience, and standing placed him at the head of his profession, was not to receive common justice? Since when had it been the rule with Chancellors to refuse what was a matter of course, and a matter of justice, on account of an individual's conduct, not in his profession, wherein he was without reproach, but simply because in politics he differed from the Government? The profession of the law, to which he had the honour to belong, and from which the title borne by the noble Earl (Earl Mansfield) who had brought the charge, derived its lustre, would reject with indignation a principle which tended to enslave its members, and make them the tools of Ministers, and its honours the poor results of party traffic. The rank which had been conferred on Mr. O'Connell was the right of others as well as of himself—of his clients, of his brother barristers, and of the courts of justice—of his clients, whose interests were concerned; of his brethren at the Bar, who had also an interest in his promotion; and of the Courts, whose business was impeded by the want of it. He (the Lord Chancellor) was himself an instance of the spite of some miserable petty wretched intriguer—of some foul and vile slanderer—of some contemptible miscreant whom he would not condescend to name, and who had so far used his base influence against him, as well as against his noble and learned friend, the Chief Justice of the King's Bench—an individual whose elevation to his present station, on that account as well as because of his merits and virtues, which had excited the love and admiration of the profession, constituted the proudest moment of his life—he said, that, in consequence of the efforts of parties who wished to gratify their spite against individuals simply for doing their professional duty, politics and party pretences were made the grounds of keeping his noble and learned friend and himself out of their just rank in their profession. No person felt that more than his noble and learned friend then on the Woolsack, on whom he had never cast the slightest blame. However, ten or eleven barristers had been all but ruined by the course then taken. Those gentlemen were some of them made Judges by way of compensation; but they had first lost their practice simply because they happened to be his (the Lord Chancellor's) seniors at the Bar. He found those gentlemen in good practice when he first went the circuit, but they were after a while left without a single brief, because he could not lead them. In like manner, Mr. O'Connell stood in the way of his seniors, and his elevation was due as a matter of right, not merely to himself, but to other members of the Bar, to his clients, and to the Courts. But to leave this subject, and to return to the question before the House; he would entreat of their Lordships to consider the consequences of the rejection of the Bill. By this Bill the clergy would be secure of getting, year after year, 77*l.* 10*s.* out of the 100*l.*; that, perhaps, was not all they were entitled to, but it was clear that that was all that could now be done. He wished and hoped that more could be done, but his wish and his hope went further than the prospects of the case could realize. He would enforce the law against every attempt to resist the collection of tithes, but he marvelled that the Irish clergy opposed this Bill, as it was said by a right reverend Prelate they had done. He believed it was the opinion of right reverend Prelates, that, if this Bill were rejected, there would be no support for the clergy of Ireland, so far as the right reverend Prelates had stated their opinion. "But," said the noble and learned Lord, "I am bound to consult the interests of the Church, and in voting for this Bill I consult those interests. How do I know what irit of party may be raised in Ireland inst this Bill? How do I know, that is moment the most mischievous law- e not at work to defeat the great object of our anxieties and our cares? How do I know what spirit of fanaticism, or folly, or worse, may not be in action now to destroy a great and good measure? How, in my want of knowledge of these matters, am I to say, that this Bill, which is a Bill of mercy to the clergy, should be thrown out,—how, I ask, am I to know what is to be done? Where will the clergy find relief? The Government, I admit, will do all they ought, all which is in their power, to do in Ireland to enforce the law. It is their duty to do so. But there is a point beyond which they cannot go. The law could not break open people's doors. The law could not lay hold of cattle which were not in the fields; nor could pigs or cows be seized under similar circumstances. The tables and chairs and other miserable furniture might be in a dwelling-house; but he would say, that, though the Government could enforce the law, and prevent a "rescue," one thing must be clear—that they could not compel the people "to buy!" How, he should like to know, could the clergy repay the Government advances if this Bill were not agreed to? And he would have clergymen who had estates bear in mind, that the Government had a general security on all this property for the repayment of the loan of last year. Nor would it be in the power of the Government to remit payment; for the law compelled them to enforce it. But, again, suppose this Bill thrown out, and what would be the result? He almost feared to contemplate it. Were their Lordships, he should like to know, under such circumstances, exercising their high prerogatives — their noble functions? Were they doing all they ought to do for the good of their country? The country would not forget what their Lordships had done, or would do. He had stated his firm belief, that this measure should pass into a law for the good of the clergy and the peace of Ireland, and he would wash his hands of any opposition to it. In opposing this Bill, their Lordships were running a great and serious risk—a risk, the amount of which he was afraid they did not exactly calculate. Supposing and he took it only as a supposition, that the most rev. Primate of Ireland should be wrong, and the Irish clergy in resisting this Bill should be wrong, and that he (the Lord Chancellor) should be right, what, he should like to ask, would then be said? Perhaps their Lordships expected that the Commons would pass a Bill to undo the mischief which their Lordships' rejection of this measure might occasion; but what reason had they to expect that the Commons would be so meek—he would not say so forgiving, for no harm would be done to them—but so forgetful of whose had been the fault, as to say, "Oh, never mind, let us give another million or two of the people's money to repair the evil done by the Lords." He was so far from being sure that this would be said, that he rather thought they should get abuse without money. It was very easy for noble Lords to say, "Mr. O'Connell shall not dictate to me." Saying that was very safe, but what was to be said at the other side of the question? It was very true their Lordships could vote by proxy, but they ought not to be bold by proxy, especially when the Irish clergy might be the sufferers. If the Bill were not to pass, the result would be, that the Irish clergy must starve, while their Lordships would not do right because Mr. O'Connell recommended it. This, he would say, was not a dignified course for their Lordships' House to pursue upon an occasion so important as the present. One word as to the noble Lord's tirade on the unpopularity of his Majesty's Ministers, and the odium into which they had fallen, so that it was painful to hear those who were well disposed towards them attack them. The persons whose animosity they had most to combat were their own friends, who said they did not go far enough. This was followed up by the assertion, that the chief of those who had been formerly discontented came to wither Ministers with the blight of his malignant approbation. Take it for granted that Ministers were as unpopular as it was possible for Ministers to be, and as unpopular as the noble Lord would wish them to be—take it for granted, that every measure they proposed was disapproved of, that the representatives of the people placed no confidence in them—then he could only say, that there was a great floating fund of popularity somewhere — a great mass of public favour without owners — and a love towards statesmen unnamed and unborn. Take it for granted that Ministers had not the approbation of their countrymen, that Mr. O'Connell had it not; had the noble Lords who sat on the Opposition side of the House got it? He was in the same boat with them, they were all equally unpopular; who then was the happy Minister who was to command all voices, for whom the eyes of the country longed, whom the hands of the country were stretched out to receive? He would take upon him to say, that if he was not upon one side of the House, it was in vain to look for him upon the other. Upon the merits of the measures now proposed he would stand or fall with his colleagues. He should continue to serve his King as long as his Majesty called for that service. He should continue to serve his country until he had other testimony than the noble Lord's assertion, that he had lost the confidence of his fellow citizens; and, standing upon the measures of which he might be either the author or supporter, he should appeal with unabated confidence to the verdict of that country.

The Duke of *Wellington* said, he concurred with the noble and learned Lord in thinking that the present subject was one of the highest importance — one that it behoved the House to consider with attention, and weigh deeply, in order to ascertain what effect it might have on the integrity and durability of the Protestant Church in Ireland. — If the noble Lord opposite approved of the present measure so highly now, how could he reconcile this fact with the fact of his having approved of a totally dissimilar measure introduced by those who were his own colleagues to the House of Commons?—Surely, if the present measure were so good, he should have considered well before he gave his approbation to a different measure before. One must be right and the other wrong; the noble Lord lauded both, and both could not be right. Was the noble Lord then right before, or was he right now?—It would appear that he was only right now, for he was opposed to his former opinion. The Government brought a measure into the House of Commons distinct from the present, distinct in principle and in practice. He approved of the former measure because he thought it good for the Church and not oppressive to the landowners. Well, the former measure which had the deliberate sanction of the members of the Government, was such as he imagined was not opposed to the feelings of their Lordships. Now if he showed, that there was a material distinction between the present and the last measure, he thought he should establish grounds for calling on their Lordships to reject the present Bill. Since the last measure was proposed to Parliament certain right hon. Gentlemen and a noble friend of his had left the service of his Majesty in consequence of a disunion of opinion on this subject, and the country had good reason to regret the absence of those right hon. Gentlemen from the service of the Crown. — The Government then brought forward two measures. The first placed the clergy as stipendiaries on the landlords; their tithes were to be converted into a rent-charge on the property of the landlords. But by the present Bill they were made stipendiary and dependent on the Ministers of the Crown. The rent-charge was made payable to the Commissioners of Woods and Forests, and by them the amount was to be transferred to the clergy, the deficit to be made up from the Consolidated Fund. Thus the clergy for their maintenance were to be dependent on the Crown. The distinction was material and highly important to the independance of the Irish Church. Did their Lordships wish to see the Church independent; and would they bear to see it hanging on the favour of any Minister? The noble Lord opposite said, that the clergy could not lay their hands on their property at present; no, nor could any one lay his hands on any property if peace were not preserved. If the Government were so feeble and irresolute as to allow the law to lie dormant in order that the rent might be collected for Mr. O'Connell, then it was no wonder that the interests of the Church should be sacrificed. All the disturbance of Ireland depended on the Government; its irresolution and weakness was the cause of it all. No one could approve of the administrative affairs of the Irish Government. If it had carried into execution the law with vigour; if it had renewed the Proclamation Act, and had not given a patent of precedence to one who was guilty of a misdemeanour; if it boldly checked agitation, it would have put an end to disturbance, and would have secured the safety of the Church, and the country would not have fallen into its present state. He would just say one word by way of comparison between the present Bill and its predecessor. The Bill of Mr. Stanley was founded on the basis of vindicating the law—and the vindication of the law was what every Statesman should mainly look to in the present condition of Ireland — vindicating the law with a view to the final redemption of tithes. But the present measure went to admit, that the law was inoperative, and to leave it suspended and despised. By the former Bill the clergy were made stipendiaries of the Government for a short time until the tithe was redeemed. But, by the present Bill, they were made stipendiaries on the Government for ever. Surely it was not the way to maintain the independance and integrity of the Church, or secure the allegiance and subordination of the people, to abandon the vindication of the law, as government was doing by the present measure. It was said, that the peasantry were in a state of insurrection, that they would not pay tithes, and the present Bill was brought in to relieve those insurrectionary peasantry, and thus to give an encouragement and a premium for their disturbances. The former Bill as brought in by Mr. Stanley went first to vindicate the law and to relieve the peasantry; but the present Bill went to prostrate the law, and while professing to relieve the peasantry, and so giving them an assurance that their insurrectionary resistance had been crowned with success, absolutely gave them no substantial relief, but was calculated only to benefit the landlords, who would not only pocket the two-fifths, but would make the tenants pay the whole amount of tithe in increased rents on the expiration of their leases. The former Bill was carried by large majorities in the other House, so that the present Bill was the measure of the minority. He was sure that the Ecclesiastical Fund never could meet the charge proposed to be made upon the Consolidated Fund. But besides this charge there would be many others, such as the repairing of churches, which would be left totally unprovided for. He, therefore, agreed with his noble friend that it was impossible to pass such a measure. He admitted that the clergy would incur great risk of not getting their incomes without the Bill, but those risks would be equal with it. They were told, that the measure was to pacify Ireland. He thought there were provisions in the Tithe Composition Act of last year which might have accomplished this. But the Bill before their Lordships totally upset them, and upon the most futile grounds, only establishing fresh causes of agitation and contention, without doing good to any party. If it were only from that circumstance he should take the sense of the House against the measure. He believed, all those arrangements would be productive of the greatest good if adhered to, and he, therefore, called upon their Lordships, by rejecting this measure, to leave them to be carried into operation.

The Earl of *Ripon* said, he feared that the course he felt it his duty to take upon this question would be satisfactory to few parties, and he was not sure that it would be quite so to himself. He, however, thought it right to explain very shortly his views. He must at first state, that he had heard with very great surprise that part of the speech of his noble and learned friend upon the Woolsack in which he endeavoured to make out that the Bill before their Lordships was the same in principle as that measure to which he was six months ago a party. It appeared to him that it rested upon principles which he might almost say were diametrically opposite. He saw nothing in common between the two measures, except the professed object which both seemed to have in view; and while he claimed for the measure to which he had been a party the credit of its being a *bona fide* effort for the pacification of Ireland so far as related to the question of tithes, he had no desire to impute to this Bill that it had any other object whatever. As to the alterations which had been made, it made no difference to his argument whether they proceeded from an individual, or had been adopted at the suggestion of the Irish landlords. With respect to one provision which his noble friend said had been adopted in compliance with their suggestions, he (Lord Ripon) very much regretted that they had thought proper to make such a recommendation, because it was for the advantage of the landlords themselves that a sum of money to the amount of twenty per cent was to be deducted from the tithe to be collected. He was well aware that the Bill which had been before proposed required the clergy, in return for a more secure payment—a payment which could not be shaken, which did not depend upon caprice, and could not be overturned by one Government to be re-established by another—they should sacrifice one-fifth of their income. But this measure proposed to take away another fifth, for the benefit of the landlords, and no argument which he had heard that night, or which he observed to have been used elsewhere, had stated why the Irish landlords were entitled to this increase of their income. If there was any class of men more interested than others in the welfare of Ireland, and who ought not to require a premium of twenty per cent to induce them to join in the pacification of Ireland, it was the landlords of that country; and he could not conceive on what grounds their assistance for that object could be withheld, if they had not been offered this sum, which must come essentially from the income of the clergy. Another new principle in this Bill, and to which he felt very strong objections, was the omission of the clauses which related to the redemption of tithes. That redemption constituted the essence of the former Bill, the framers of which had endeavoured to follow up the recommendation of the Committees which had sat upon the subject. No question had ever been probed more deeply than this had been in the examinations which had taken place before Committees of both Houses of Parliament for the last three or four years. Those Committees had recommended the conversion of tithes into a change of a different description, but they recommended that that change should be accompanied by the principle of redemption, and that alone, in his opinion, justified the otherwise imprudent words "extinction of tithes." He had not heard any argument why those clauses were withdrawn. That was the part of the Bill which had given him the most unqualified satisfaction, and he had taken the liberty of writing a letter in simple prose, in which there was neither Latin nor Greek, to his noble friend the Lord-lieutenant of Ireland, in expression of his satisfaction. He must observe, that he also felt great objection to calling in the aid of the Consolidated Fund in the manner in which it was done by this Bill. If the words four-fifths had been suffered to remain instead of three-fifths, there would have been no occasion for the clauses relating to the Consolidated Fund, nor any necessity for legislating upon the Perpetuity Fund, which would remain as at present established by law. Thus, for the sake of giving twenty per cent to the landlords of Ireland, the House was departing, not only from the Bill which had been proposed in the early part of this Session, but also from that which had been passed at the end of last Session. He objected to the form of the Bill as it stood at present. He thought, however, that it might be altered in the Committee, and that it would be wise to make the attempt, and with that view he should much regret opposing himself to the second reading. But if the result of any such change were to be, that the Bill should die a natural death elsewhere, he should not feel that the slighest responsibility attached to him for that consequence, but that the whole responsibility belonged to those who said that no alteration whatever must be made in it. He had heard it said, that the main consideration which ought to influence their Lordships was the condition in which the Irish clergy would be placed if this Bill were not passed. That condition would be painful enough, God knew. It was scarcely possible to conceive a state of persecution more distressing than they were obliged to endure, but there might be circumstances which would make even their condition worse, and in which it might even come up to the eloquent description given by his noble and learned friend on the Woolsack, when he told their Lordships what the condition of the Irish clergy would be. When he reflected upon the hard measure which was dealt out to that body in this Bill, he did not think that those persons reasoned justly who calculated upon the miserable plight to which the rejection of this Bill would expose them in proportion to the sufferings and privations which the clergy of Ireland were compelled to endure in proportion to the dangers by which they were surrounded, and the loss even of life to which they were liable, if those evils were inevitable under the present system; and in the same proportion he said it was binding upon the honour and the common charity of their Lordships to deal tenderly with their interests, and not to lay hold of their property for the mere sake of giving twenty per cent to the landholders. Their Lordships should also consider what would be the condition of the clergy if they passed this Bill as it stood. If four-fifths were substituted for three-fifths, there would be no necessity for the clause relating to the Consolidated Fund, or for touching the Perpetuity Purchase Fund. This would be a boon to the clergy, and it would not in the least affect the interests of the poor people. If that which he had suggested were done, tithes, as so called, might be got rid of without injustice to anybody, while a real benefit would be conferred upon the clergy. In the hope that some such alteration as that he had intimated might be made in the Committee, he would vote for the Second Reading of the Bill, but he would not support it on the Third Reading if those clauses were not removed.

The Bishop of *London* would not have risen to address their Lordships on this occasion, had he not assented to the Church Temporalities Bill of last year, and it seemed to be assumed that, because he did so, he should therefore give his assent to the measure before their Lordships. One great inducement with him to dissent from that measure was the assent which he gave to the Bill of last year; for if there was one thing more plain and prominent on the face of this measure than another, it was, that it entirely broke up the great principle of the Bill of last Session. He voted for that measure upon the assumption, that whatever sum might be accumulated towards the Perpetuity Fund, that sum was to be used for, and solely applied to, ecclesiastical purposes; but one of the principles of the present Bill was, that twenty per cent was to be taken out of that fund. As for the other twenty per cent, which was to be deducted from the income of the clergy themselves, in consideration of the additional security which the present measure was to give them for the remaining four-fifths of their income he did not make any objection; and he understood that the Irish clergy themselves did not raise very strong objections to it. But with respect to the twenty per cent which was to come from the Perpetuity Purchase Fund, he looked upon it as a clear *bonus* put into the pocket of the landlord, and therefore, *pro tanto,* a spoliation of the Church; and to that principle he could not accede. Another objection was to that part of the Bill which related to the breaking up of the compositions which were entered into, in order to secure the clergy a portion of their property. If it were necessary to to take a certain portion of the income of the clergy from them, let it be done in a definite, tangible, and precise manner, so that the question might be fairly placed before their Lordships; and that the clergy might know exactly what they were to do, But it was not merely twenty per cent which would be the exact measure of the spoliation of the Irish clergy; but it would be twenty per cent upon the compositions. He read over these clauses relating to the compositions with great care; and he must say, although he was far from imputing any such intention to the framers of the Bill, that these clauses seemed to give very great encouragement to the breaking up of the compositions. The clergy for the last eleven years, had compounded for a certain income, and had gone on calculating upon the faith of this composition, and had subjected themselves to certain claims in consequence. But they were now not only to be liable, at the caprice or malice of any seven inhabitants of their parish, to the danger, he might say, the almost certainty, of losing an additional portion of their income, but during the whole time that the revising of the valuation of the parish might be pending, as well as before and after, agitation would be kept up in that parish to their detriment. The two principles of the Bill which he had just stated, appeared to him so extremely vicious, that it was not possible for him to give his assent to it. With respect to the fact of the measure, in its present form, having been ascribed in some degree to an hon. and learned Member of the other House, who certainly had not, on former occasions, exhibited himself in the light of a friend to the established clergy, he owned he could not take the same view of that part of the question as the noble and learned Lord on the Woolsack had done. He must look with the greatest possible suspicion at anything coming from that quarter, and he thought he had, in this case, good ground for that suspicion. It was true, that the transfer of the payment of tithe from the occupier of the land, who might be called a species of little landlord, to the chief landlord, did, in the first instance, appear to be a probable method of mitigating existing evils, by putting an end to the prædial agitation that now prevailed. But he did not think that such was the view taken by the hon. and learned Gentleman in making that proposal; for in his observations upon Mr. Stanley's Bill, the hon. and learned Gentleman remarked, that it would throw the people from the kind indulgence of the clergy to the punctuality and severity of the landlord. Such was the hon. and learned Gentleman's opinion then, and there was no doubt that the tithe-payers would hereafter be forced to pay up what would be equivalent to the tithes, with greater strictness to the landlord, than to the clergy; and he could not help thinking, that it was this prospect of agitation which induced the hon. and learned Gentleman to give so ready an assent to the proposal. But be that as it might, while these two principles remained in the Bill, it was impossible to give it his support. He was unwilling to do anything which might embarrass his Majesty's Government upon this difficult question. He was perfectly alive to the danger which appeared to await the great body of the Irish clergy; and if that clergy had, with one unanimous voice, protested against their Lordships rejecting the present Bill, he might have overcome his objections to it, rather than have exposed that meritorious body to starvation. But that was not the case. The result of all his inquiries was, that the clergy of Ireland were very desirous that their Lordships should reject the Bill. In addition to the testimony to that fact which had been borne by two of his right reverend brethren, he held in his hand a communication from a right reverend Prelate, who was equally eminent for his piety and zeal, his humanity and devotion to the cause of the clergy and the Church. He held in his hand a communication from him to the Primate of all Ireland, in which he said—"It appears to me quite impossible to consult the clergy of four extensive dioceses on the subject of this Bill, in sufficient time to give the friends of the establishment an opportunity of presenting their petitions to Parliament; but I have submitted the case to a large body in my own diocese, and they all agree with me in opinion, that if the Bill, as amended, should pass, absolutely without any power of redemption, and on the principle, that Church property may be applied to other than ecclesiastical purposes, it will be all over with the Church; and the measure, therefore, ought to be opposed by every legal means. We are not disposed to be parties to such a spoliation; we are not disposed to violate the trust reposed in us for the benefit of our successors. I do not hesitate to say, that these are the sentiments of the large majority of the clergy. We are quite aware, should the Bill be opposed with success, that we may be exposed to still further privations; but this we far prefer to the submitting to this dangerous measure, which commences by partially robbing us, and which will end by depriving our ancestors of all revenue whatsoever." It was because he foresaw as its result the gradual diminution and final extinction of the income of the Church, that he felt himself called upon to give his vote against the second reading of the Bill.

The Earl of *Roden* protested against the measure. In supporting it, the Ministers departed from all the principles which were praiseworthy in the former Bill. He was as well acquainted with the sentiments of the clergy of Ireland as the right reverend Prelate, who had spoken at an earlier hour of the evening; and he knew not from what part of that clergy the right reverend Prelate could have received his information. He could assert, that the working clergy, in the midst of their toils, difficulties, and persecutions, had always exclaimed, "Consider us not personally—sacrifice nothing on our parts, maintain the principles of the Church inviolate, and enable us to continue to preach that Gospel, for which, in all likelihood, we, in no distant day, shall be called upon to lay down our lives." They oppose this Bill, because they see in it a crafty attempt, not to deprive them of their incomes, and the Church of its temporal possessions, but to destroy the Prostestant religion in Ireland. A bonus, indeed, was offered to the Protestant landlords, but he knew well that they too were opposed to every measure like this, which went to the destruction of the Church. The noble Viscount opposite, had said nothing to induce him to believe, that this Bill was not the Bill of Mr. O'Connell. Even at the best it must be admitted to be the act of men truckling to agitation, and attempting to bring Mr. O'Connell over in order to keep Ireland quiet. He must observe, however, that he was not surprised to hear the noble Lord opposite (Lord Duncannon) panegyrize Mr. O'Connell. Ireland had long known and lamented that the views of the noble Lord, and of Mr. O'Connell on these matters coincided. That noble Lord, who, from his office, must in no small degree have the Government of Ireland, he regretted to see was disposed to govern that unfortunate country through means of Mr. O'Connell. But while there was yet time, he would fain warn the noble Lord how infinitely he would disgust the loyal Protestant gentry of Ireland by subjecting them to the influence of one who had ever been an enemy to the Protestant interest, and the Protestant religion—of one who had ever been their greatest and most inveterate opponent. In saying this, he meant nothing disrespectful to that learned Gentleman, for he meant an honest and an open enemy. He begged to remind the noble Lord, that it was through the Protestants alone, that the Union with this country had been preserved, and that if they should once become thoroughly disgusted with the conduct of the Government, and persuaded that from it they had neither to expect support nor justice, it was impossible to say that it might not enter their minds that it would be more advantageous for them to make their own terms with the people of the country, than to surrender themselves the victims of whatever arrangement the noble Lord might be pleased to make on their account. He regarded this as a measure of spoliation, and as the first of a series of such measures. He implored their Lordships not to consider the question simply as an Irish one. The Church of Ireland once pillaged and laid prostrate, the principle of spoliation would be speedily extended, first, to the property of the Church of England, and finally to all property. There was an old saying much in use in the days of Queen Elizabeth, which applied in its full force to the present circumstances of the times.—

> "He that would our England win,
> "Must with Ireland first begin."

In conclusion, the noble Earl said, that he would resist the Bill as an attack on property, an attack on principle, an attack on the Protestant religion, and on the faith of the country.

Viscount *Duncannon*, in explanation, stated that he had not panegyrised Mr. O'Connell. He had only contended that an Amendment, good in itself, was not to be rejected, because proposed by Mr. O'Connell. As to the noble Earl's other observations respecting him, he had only to say that it would be time enough for the noble Earl to accuse him when he had really been guilty of some crime. Then might the noble Earl come down to the House and move an address to his Majesty for his removal from office; but up to that moment he had neither said nor done anything to warrant the noble Earl in using such strong expressions towards him.

The Duke of *Richmond* said, that being as he was, unconnected with any party in that House, he was anxious to be allowed the opportunity of saying a few words. He had been much surprised to hear from the noble Lord, that the Amendments in question had been proposed by the landlords of Ireland, and not by Mr. O'Connell. He asked the noble Lord if he had ever heard that Mr. O'Connell proposed the removal of the redemption clause? He asked him whether he did not know that, before this measure was talked of, Mr. O'Connell had the greatest objection to the clause. For his own part he had been in hope that Mr. O'Connell had proposed that clause which gave twenty per cent to the landlord, for he did not wish to have it go forth, that they had conferred this bonus on themselves. Again he would say, that if the Irish landlords were disposed to be liberal to the people, let them not be so at the expense of the church. Let them reduce their rents. Having said thus much, he would only detain the House by stating the grounds on which he would give his vote. He conscientiously believed, that if the Bill were rejected, tithes could only be collected with the greatest difficulty. He besought their Lordships to look to the condition of the Protestant clergy, and to consider the effect which the rejection of the present measure would produce in another place, as far as regarded the feeling of that assembly towards the clergy of Ireland. Those unfortunate individuals would be left without the power of raising a single shilling; and though he believed the Government would make every exertion to enforce the existing laws, yet it should be recollected, that the Government of this country was not the Government of Ireland; it could not be on the spot to co-operate with the soldiers and the police, and he feared, that if the Bill should not be read a second time, not a single shilling of tithe would be raised without having recourse to force. He could not conceal from himself, that the people of Ireland would say, that the House of Commons, by a large majority, had declared that tithes ought to be extinguished, and the result would be, that tithes would no longer be paid. He therefore, could not permit the Protestant clergy to hurry themselves to their ruin. If their Lordships would agree to the second reading, they would have an opportunity of replacing the Bill in the state in which it stood when it was originally proposed and carried through a stage by a united Cabinet, and by many of his noble friends who formerly formed part of the Government, and who, if their Lordships should by a large majority alter the Bill (and they had the power to do that if they should not throw it out), could not refuse to support the decision of their Lordships against the other House of Parliament. He confessed, that if the Bill should be lost at this stage, he looked forward with horror and dread to the misery to which the clergy would be exposed, abandoned as they would be to be persecuted by the agitators, who, with religious liberty in their mouths, hated the meritorious Protestant clergymen, and particularly the parochial clergymen, because they knew that, by their preaching and example, they had great influence in extending that religion. For the reasons which he had stated, he would vote for the second reading of the Bill, and he begged to ask their Lordships why, if it should not be amended in Committee, it could not be thrown out on the third reading? If the noble Lords opposite were strong enough to throw the Bill out now, why could they not do so, on the third reading? Their Lordships owed it to the House of Commons, and to the people of Ireland, to give a second reading to the Bill, and to amend it in Committee. If they did not do so, this was the last year in which they would have so favourable a Bill sent up to them.

The Marquess of *Clanricarde* said, that the Grand Juries of Cork and Limerick had recorded their approbation of the Bill. Noble Lords opposite pretended that they would not consent to the measure, on the ground that it gave a boon to the landlords, at the expense of the Church. This was not the first time that the Irish landlords had been made a stalking-horse, and it reminded him of a saying of Grattan, "you try to leave the landlords without character, in order that you may leave the peasants without redress." He called upon their Lordships to consider the consequences which would result from the rejection of the measure. It was of no use to mince matters. He believed that tithes would no longer be paid in Ireland.

The Earl of *Carbery* would merely declare at that late hour, that he would oppose the Bill.

The Earl of *Darnley* expressed his concurrence in the view taken by the noble Duke (the Duke of Richmond). He would vote for the second reading, with the intention of altering the Bill in Committee. He denied, that the changes in the Bill had been effected by desire of the Irish landlords.

The Earl of *Gosford* would give his support to the Bill, because he thought it likely to produce tranquillity in Ireland.

Viscount *Melbourne* said, that notwithstanding the late hour, he could not allow the debate to close without once more exhorting their Lordships to avert the fatal consequences which must result from the rejection of the Bill before them. A noble Baron opposite had said, that the responsibility for what might occur in consequence of the rejection of the measure would rest upon Ministers. He denied that: the responsibility would rest on those who rejected, and not on those who proposed, the Bill. The noble Baron who commenced the debate, (Lord Ellenborough) was wrong in supposing that the Bill could not be altered in Committee; he understood that any amendment which might be considered necessary, could be made at that stage of the measure. The noble Baron and the noble Duke (the Duke of Wellington) said, that this Bill did not, like the former Bill on the same subject, vindicate the law. He was as desirous as any man to vindicate the law—to repress violence and outrage; but the Bill before the House would render it unnecessary to vindicate the law—it would prevent crime, instead of punishing it. He would not disguise from the House the scenes it would be necessary to go through in Ireland, and that they must levy tithes by means of war. The noble Duke said, that the Government had nothing to do but to vindicate the law, and that it was entirely the fault of the Government that the resistance to tithes had been so successful. To that assertion he could only oppose a distinct denial; and if it had come from any man but the noble Duke, he would have added that the statement was most uncandid and unfair; but he knew how prone the noble Duke was to deceive himself, and if the noble Duke were at the head of affairs—and for his part, he wished to God that he was,—he would take a very different view of the subject. He begged to remind the noble Duke, that in 1829, he took a very different view of the disorders of Ireland. The noble Duke then talked of his melancholy experience of the horrors of civil war, and adopted a measure to which he had all his life been opposed, in consequence of the apprehensions which he entertained of the disorders likely to occur in Ireland from longer withholding it. The noble Duke, he regretted to add, had somewhat disturbed the even tenor of the debate by adopting the invective of the noble Earl who sat near him. With respect to that invective, he had nothing to say, except that towards the end of his speech the noble Earl indulged somewhat too much in rhetorical artifice, when he said he had been led away by the impulse of the moment. Why, the speech of the noble Earl had cost him a month's labour. He had gone through a formal chronological detail of the acts of Government with respect to Ireland, and then said that he was led away by the impulse of the moment! It was impossible for him to go through all the statements of the noble Earl, but he denied all his facts and all his inferences. He recollected that the same noble Lords, who now boasted of their knowledge of the wishes of the clergy of Ireland, last year predicted that those persons would not avail themselves of the grant which Parliament advanced for their relief, but the clergy had availed themselves of it, and that induced him to doubt the correctness of their statements on the present occasion. It was for their Lordships to consider whether they would place the clergy in the situation in which all parties agreed they would be placed by the rejection of the present Bill. If the clergy should not succeed in getting their tithes, their Lordships might depend upon it that a Bill so favourable to the interests of that body would never again be presented to them. They were now about to miss an opportunity of settling this question, which he was afraid would never again occur.

The House divided on the original Motion. Content (present) 51; Proxies 71;—122. Not-Content (present) 85; Proxies 104;—189: Majority 67.

Second reading put off for six months.

List of the CONTENTS.

PRESENT.

Dukes.
Sussex
Richmond
Norfolk

Argyll
Leinster
Devonshire
Sutherland
Marquesses.
Lansdowne
Queensberry
Westminster
Tavistock
Conyingham
Clanricarde
Earls.
Albemarle
Radnor
Leitrim
Gosford
Charlemont
Cork
Thanet
Ripon
Darnley
Chichester
Mulgrave
Viscounts.
Melbourne
Duncannon
Torrington

St. Vincent
Bolingbroke
Barons.
Auckland
Howden
Elphinstone
Holland
Lynedoch
Segrave
Poltimore
Brougham
Foley
Ducie
Teynham
Mostyn
Howard of Effingham
Saye and Sele
Stafford
King
Sefton
Lilford
Gardner
Hill
Bishops.
Derry
Chichester

PROXIES.

Dukes.
Bedford
Cleveland
Grafton
St. Alban's
Marquesses.
Ailsa
Anglesey
Breadalbane
Wellesley
Earls.
Amherst
Burlington
Carlisle
Camperdown
Clarendon
Cowper
Denbigh
Durham
Essex
Ferrers
Fife
Fingal
Grey
Granville
Huntingdon
Lichfield
Ludlow
Minto
Morley
Rosebery
Spencer
Suffolk
Uxbridge
Viscount.
Lake
Barons.
Alvanley
Barham

Berners
Boyle
Byron
Carleton
Chaworth
Cloncurry
Denman
Dinorben
Dorchester
De Saumarez
Dundas
Dunally
Erskine
Godolphin
Grey
Hamilton
Hawke
Howard de Walden
Kenlis
Kilmarnock
Kinnaird
Lovell and Holland
Lyttleton
Mendip
Montford
Mounteagle
Panmure
Plunkett
Ponsonby
Sondes
Stanley
Stourton
Suffield
Templemore
Western
Yarborough
Bishop.
Norwich

List of the NOT-CONTENTS.

PRESENT.

Dukes.
Cumberland
Gloucester
Beaufort
Wellington
Marquesses.
Tweedale
Salisbury
Abercorn
Bute
Thomond
Exeter
Ailesbury
Westmeath
Bristol
Earls.
Westmorland
Winchilsea
Sandwich
Shaftesbury
Abingdon
Coventry
Jersey
Poulett
Orkney
Aylesford
Warwick
Delawarr
Beverley
Mansfield
Carnarvon
Mountcashel
Wicklow
Rosslyn
Wilton
Powis
Rosse
Orford
Verulam
St. Germain's
Beauchamp
Glengall
De Grey
Falmouth
Vane
Viscounts.

Strathallan
Gort
Beresford
Barons.
Colville
Hay
Boston
Southampton
Montagu
Kenyon
Gage
Calthorpe
Rolle
Bayning
Carbery
Redesdale
Ellenborough
Arden
Sheffield
Churchill
Colchester
Ker
Ormonde
Clanbrassil
Maryborough
Ravensworth
Forester
Bexley
Penshurst
Farnborough
De Tabley
Wharncliffe
Melros
Cowley
Clanwilliam
Wynford
Archbishops.
Canterbury
Cashel
Bishops.
London
Rochester
Oxford
Exeter
Hereford
Meath

PROXIES.

Dukes.
Leeds
Rutland
Manchester
Dorset
Newcastle
Northumberland
Buckingham
Marquesses.
Hertford
Camden
Cholmondeley
Earls.
Pembroke
Stamford
Cardigan
Doncaster

Plymouth
Morton
Home
Airlie
Leven
Selkirk
Dartmouth
Macclesfield
Graham
Guilford
Hardwicke
Hilsborough
Norwich
Talbot
Mount Edgcumbe
Digby
Liverpool

Longford
Mayo
Enniskillen
Belmore
O'Neil
Onslow
Limerick
Clancarty
Nelson
Charleville
Lonsdale
Harewood
Brownlow
Bradford
Eldon
Howe
Somers

Viscounts.

Hereford
Arbuthnot
Maynard
Sydney
Melville
Lorton
Sidmouth
Gordon
Combermere

Barons.

Clinton
St. John
Forbes
Gray
Sinclair
Monson
Dynevor
Walsingham
Bagot
Grantley
Rodney
Tyrone
Douglas
Stewart
Saltersford
Carrington
Wodehouse
Farnham
Loftus
Rivers
Manners
Hopetoun
Dalhousie
Meldrum
Harris
Prudhoe
Oriel
Delamere
Downes
Feversham
Lyndhurst
Heytesbury
Skelmersdale
Wallace

Bishops.

Durham
Winchester
Salisbury
Bath and Wells
Lichfield and Coventry
St. Asaph
Bangor
Worcester
Bristol
Carlisle
Llandaff
Chester
Gloucester

HOUSE OF COMMONS,

Mondy, August 11, 1834.

MINUTES.] Petitions presented. By Mr. ROTCH, from Malton, for Relief to the Dissenters; from Peckham and Maidstone, for the Repeal of the Malt Duties; from Malton, for the Better Observance of the Sabbath.—By Mr. BUCKINGHAM, from a Parish in Westminster, against Drunkenness.

POOR LAWS' AMENDMENT.] The Order of the Day for taking into consideration the Lords Amendments to the Poor Laws' Amendment Bill having been read,

Lord *Althorp* rose for the purpose of shortly calling the attention of the House to the general nature of those Amendments which in its passage through the Lords had been made in this Bill, and at the same time of stating the impression which they had produced on his own mind with respect to the provisions and efficiency of the measure itself. A considerable number of Amendments had been introduced, and some of them of no small importance; but looking at the Bill altogether, and comparing its present state with that in which it passed the House of Commons, he must fairly say, he certainly did not think it was at all the worse for the alterations which had been made. He would state what the principal and most important Amendments were, in order that the House might better understand them previous to any discussion which might by possibility arise. The first Amendment was not one of very material importance, namely, with respect to cumulative votes, that ratepayers under 200*l.* should have only one vote, under 400*l.* but above 200*l.* two votes, and of 400*l.* or more three votes. That, as he had stated, was not of much importance: he believed the reason why it had been introduced was with the view of forming a sort of counterpoise to the cumulative votes given by the Bill to the owners of property, and which had been withheld from the occupiers. He did not anticipate any objection to the Amendment in that House. The next alteration came under the very important branch of outdoor relief. The alteration made was, that two Justices may order out-door relief in unions, but not in separate parishes, to persons who shall by one of the Justices be certified to be, of his own knowledge, totally incapable of work. This gave, no doubt, a power to Justices of ordering relief which had not formerly been enjoyed; but as it extended only to cases where the individuals were certified by one of the Justices to be unable to work, he did not think it would lead to any abuse, and, therefore, he was not unwilling to concur in it. The Justices were also to have the power of ordering medicine and relief to out-door poor in certain other cases, the principal object of which was to meet the exigencies of seafaring shipwrecked persons, in order to prevent the mischief which might otherwise, in such circumstances, probably occur. If he (Lord Althorp) had had his choice, he should certainly have been better pleased if such a power had not been given to the Justices; but he did not think it was liable to be abused, and it was not, therefore, worth while for that House to object to it. The next Amendment to which he should refer was one apparently of great importance. The clause abolishing the allowance system, and prohibiting, after the 1st of June, 1835, any allowance being made to those wholly or partially in the employment of any person, had been altogether omitted. He had said, this alteration was apparently of great importance, but it was not really so, because the effect of a provision which had been introduced in lieu of it left it to the discretion of the Overseers or Guardians to make any statement to the Board of Commissioners of the special circumstances which, in their opinion, might render such relief expedient in any particular case. On that account the alteration would not be of much importance. There were other alterations which might have a different effect. The House would recollect, when the Bill was first introduced, the age at which children were considered capable of providing for themselves, and no longer to be included in relief granted to their parents, was sixteen; but an alteration subsequently took place in its passage through the Committee, which substituted the age of twelve; but the House of Lords had changed it to its original state, and retained sixteen. Now, it did certainly appear that a young person could hardly be considered able to support himself at twelve years of age, or sooner than somewhere about sixteen; but in the midland districts, with which he was particularly acquainted, only children under ten were considered part of the parents' family. He did not know whether by this alteration some difficulty might not arise in some of those districts, as the effect of it might be to impose a burthen on the labourers, by being obliged to include in their own parochial relief what might be required for supporting their children up to the age of sixteen. But, on the other hand, as they would have the advantage of the labour of their children up to that age, he hoped that circumstance would counterbalance any inconvenience which might be experienced. Another alteration, which he did not think of much weight, referred to the power of giving relief by way of loan; the power of imprisonment being taken away, and only attachment of wages left for its recovery, the Lords had introduced an alteration which extended the power of making advances by way of loan, not only to the able-bodied, but also to persons in sickness. He did not think this objectionable. Another Amendment had reference to persons serving as substitutes in the Militia; they were not entitled under the Bill as it formerly stood to the allowance hitherto given to balloted Militia men, and the Lords had altered the Bill so as to exclude balloted Militia men as well as substitutes from that allowance. By another of the Amendments, settlement by estate was limited to the period during which the person inhabited within ten miles of the parish. He did not know the precise reason for this alteration, but he did not think it would have any very material effect. Settlement by apprenticeship had been abolished before the Bill passed through that House; it was now, however, retained, except in the case of sea-apprentices. With regard to the settlement of illegitimate children, the bastard was to follow the settlement of the mother till the age of sixteen. The House would recollect, that as the Bill originally stood, the Bastardy-laws were entirely done away with; the parish could no longer come on the putative father for support, and the child was to be maintained by the mother. A clause, however, had been introduced by the hon. member for Somersetshire, by which in certain cases an order might be had upon the putative father to recompense the parish for any relief given to the child. Instead of this several other clauses had been introduced. The punishment of the mother in the first instance was left untouched; and the order on the putative father was only to be obtained at the Quarter Sessions, additional evidence, however, to that of the mother being in all such cases required. Another Amendment was, that when a woman had one bastard she could obtain no order in any subsequent case; and that order, when it was obtained, became inoperative when the child attained the age of seven years. The sum, too, was only recoverable under the order by attachment or distress, the man could not be committed to prison at all for costs. He had always objected to imprisonment in such cases, and he thought the Bill in this respect now approached pretty nearly the form in which it had been at first introduced. He could not, therefore, be supposed to disapprove of the Amendment. He now came to an Amendment which he thought was likely to produce considerable discussion in that House—he alluded to the omission of the clause which had been proposed by the hon. member for Beverley, which might have interfered considerably with the discipline of the workhouses. The effect of the omission would be, undoubtedly, that Dissenting ministers would not have the power of claiming admission to the workhouses for the purpose of instructing those who belonged to their own body. Though he wished it had been otherwise, yet he must say, that the omission of that part of the Bill which authorized the attendance of Dissenting ministers in workhouses would not be an omission of any practical importance. He admitted, that the legal right of such ministers was taken away by the alterations which their Lordships had made in the Bill, but he felt quite assured, that there would be no interference with the visits of Dissenting ministers to the workhouses. Besides that, if it should be hereafter found to be a grievance, the House, he had no doubt, would very readily pass a Bill for the purpose of remedying it, but for his part he must repeat that, he did not apprehend there would arise any ground of complaint on that subject. He should be sorry to find the House of Commons differing from the Lords with respect to Amendments which did not practically tend to produce evil results, and the rejection might put to hazard the eventual success of a measure of such great importance as that to which those Amendments related. Having referred to the principal Amendments which came down from the other House, he should, in conclusion, recommend that they be agreed to, and accordingly he moved that those Amendments be read a second time.

Mr. *Hughes Hughes* rose to move as an Amendment, that the Lords' Amendments be taken into further consideration upon that day three months.

The *Speaker* suggested that, as the Amendments were numerous and, as he conceived, important, it would be most advisable, and the hon. Member would best conform to the usages of the House, if he were to take them one by one, rather than object to them altogether.

Mr. *Hughes Hughes* said, that, having been opposed to the whole Bill from its first introduction, and his aversion to the measure having increased in its progress, his objections attached equally to the whole of the Amendments, and he, therefore, intended to take the sense of the House upon them, in the first instance, collectively. He trusted, that the House would concur with him in their rejection; but if, on the contrary, they should determine to take them into consideration, he should then offer objections to them *seriatim*. And, first, he begged to read to the House a note he had received that afternoon, and which went strongly to show the reasonableness of his present proposition:—" Your attention is most earnestly requested in the House of Commons to-day, at five o'clock, to put the Speaker in the Chair, it being very material to make a House." Surely, then, a period of the Session at which it was so doubtful whether even forty Members could be mustered " to make a House," was not the fitting time to decide upon a measure of such overwhelming magnitude and importance. He begged to call the attention of the House to the fact, that the Corporation of Guardians of the Poor of eleven of the eighteen parishes within the city of Oxford had unanimously adopted a petition against the Bill, which his hon. Colleague had presented shortly after its introduction; and here he could not help adverting to the unfairness with which the noble Lord, the Chancellor of the Exchequer, had adverted to the number of petitioners against the measure. The petition was under the Corporation or Common Seal of the Board; but, having been unanimously voted by the Guardians, it was virtually signed by the 18,000 inhabitants whom they represented; and there were numerous instances of petitions of a similar kind. He would read two extracts from the petition in question, the objections alluded to in which the Lords' Amendments were calculated to confirm, if not increase. The petitioners " objected altogether to that part of the Bill which gave to irresponsible Commissioners a power over property and persons, as being contrary to the British Constitution and the best principles of legislation."

The *Speaker* reminded the hon. Member that he was travelling out of the question; what he was advancing did not apply to the subject matter of any one of the Amendments before the House. The hon. Member might move *seriatim* that each of the Amendments be taken into consideration that day three months.

Mr. *Hughes Hughes* meant his Motion to apply to the whole of the Amendments; and, in the remarks he was making, was only laying some ground for his Motion, which he submitted it was his undoubted right to do.

The *Speaker* said, that it not being now within the power of the House to amend the Bill, but only to adopt, or reject the

Amendments made by the other House, it was not within the reach of any hon. Member to advert to any point not included within the Amendments.

Mr. *Hughes Hughes* had frequently pursued, without interruption, the course he was then taking, and could not conceive it necessary that he should abstain from all comment or observation and confine himself simply to making his Motion, but, if so, he was willing to adopt that course, and, foregoing all argument, submit his Motion, his object being, as he avowed, to get rid of the Bill altogether for the present Session.

The *Speaker* said, the hon. Member was certainly at full liberty to make any statement he pleased in support of his Motion, provided it had reference to the question before the House, which related exclusively to the Lords' Amendments in the Bill.

Mr. *Hughes Hughes* would, then, read a passage from the petition of his constituents on the subject of out-door relief, on which subject he had thought the Bill was far too harsh, before it left that House, but it was rendered still more severe by the Amendments made elsewhere. The petitioners stated, " that to refuse relief to able-bodied persons in all cases without setting them on work would, in many instances, be found not only impolitic but impracticable, especially in large towns where great numbers of industrious workmen were suddenly thrown out of employment from temporary causes; and nothing could more tend to degrade the industrious artisan to the level of the indolent and dissolute, than were he to be compelled, when standing in need of temporary assistance from the failure of employment, to sell off all his little furniture, the produce of his early industry, and become, with his family, the inmate of a workhouse." His next allusion must be to the Amendments in what were called the Bastardy Clauses, by which the parishes of Oxford were likely to be most seriously affected, for, as might be supposed, the number of seductions in that city was unavoidably great—[*laughter*]. Hon. Members might laugh, but he could assure them it would be no joke, but a very grave matter to the inhabitants of that city, if the burthen of supporting all the illegitimate children born there were to fall, without assistance, upon the rate-payers; they felt that the weight upon the parishes would be most enormous if the father were to be exempted from all liability. He held in his hand a letter from the Clerk to the Board of Guardians, in which he said, " The Bastardy Clause as it now stands will be attended with very ruinous consequences to this city, where the number of servant girls who are seduced by the young men of the University is very considerable, if the maintenance of them and their offspring is to fall entirely upon the rate-payers; in ninety-nine cases out of a hundred, he added, it is only poor ignorant girls who get into the scrape. The Bill, as it appeared to him; not only offered encouragement for the future, but indemnity for the past, for it not merely repealed all the Acts relating to the liability and punishment of the putative father, and also the punishment of the mother, of an illegitimate child, but made void all existing securities and recognizances for indemnity of parishes, and discharged all persons in custody for not giving indemnity, while it made the mother, or rather the parish to which she should belong, liable to the maintenance of such child. He thought he had said sufficient to justify him in suggesting that the present title of the Bill should be expunged, and the measure called, " An Act for the promotion and encouragement of pauperism, prostitution, and infanticide." He would not, at that time, enter further into the details of the Bill, but would earnestly implore the House, by agreeing to his Motion, to defer the further consideration of this most important subject to the next Session of Parliament. To this proposition he could positively see no reasonable objection. The Bill, in its present shape, presented the result of the deliberations of both Houses of Parliament; both Houses had discussed it and printed and re-printed it; let it now go forth to the public, be circulated through every parish in the country as the result of their united wisdom, and the opinion of the people taken upon it, with a view to a better digested enactment in the next Session; such a course was necessary, was highly requisite for securing the public confidence before they adopted such a sweeping measure.—[An *Hon. Member:* " but the Bill has passed; it has been adopted by both Houses."] He was fully aware the Bill had passed that House, and with certain Amendments, had also passed the other House, but he, nevertheless, thought it ought not to pass into a law, but that at least the time between now and the next Session ought to be given for a due consideration of the measure by the public. And what possible evil could result from the delay? The present Poor-laws, which had endured for so long a period, might surely be allowed to operate for six months further; indeed it so happened, or might be gathered from one of the original clauses, that its authors did not intend to call the Bill into operation until the 1st of June next, so that, if the public voice should sanction its enactment, it might pass before that day in the next Session of Parliament. He knew it might, and probably would, be said that, if not now, it never would be passed, but surely that argument was rather in favour of his proposition than against it, since it should be borne in mind that, if passed, this measure could only be beneficially carried into execution with the concurrence of the public. Upon all these grounds, he felt it his duty to move, that the Amendments be taken into further consideration upon that day three months.

Major *Beauclerk* said, that when he came into that House, he undertook to protect the property of the constituency of the great county which returned him to Parliament, and having resolved to redeem that pledge, he should vote against the Bill. The Amendments then before them were an insult to that small portion of good feeling towards the Dissenters which existed in that House. It was degrading and insulting towards the Dissenting minister to deny him the right which had been created under the Bill in its original form; he should, therefore, very cordially second the proposition for throwing out the Amendments altogether. Not that he much objected to the Amendments themselves—one or two of them he thought wise and well conceived, but he desired to see them all got rid of, for the sake of getting rid of the measure itself. The people of England had no notion of the blow which it struck at their property, and he felt it a duty he owed to his constituents to oppose the Bill in every form—considering it, as he did, destructive of the institutions of the country and the rights of property.

Mr. *Cobbett* agreed with the Amendment, and defied the noble Lord opposite to show any one argument why the postponement ought not to take place. The Bill since it had gone to the other House had received such alterations, that it was in fact a new Bill. The putative father of the Bill must be the best acquainted with the working of the Bill, with its nature and objects; and that putative father had told the country, that he meant the Bill as a stepping-stone to a total abolition of all relief for the poor. The putative father of the Bill had told the country, that the Act of Elizabeth had been an Act of false humanity, of false philosophy, and false legislation, and yet the noble Lord opposite had told the House, that the Bill was not meant to alter the law of Elizabeth. The putative father had told the country, that it had fallen into an error when it had conceived that there had been a threefold distribution of tithes, and that one-third had been devoted to the poor. If he had the putative father of the Bill before him, no doubt his (Mr. Cobbett's) knees would knock with fear; but still he would tell that putative father, that he was wrong. He would show him Baron Gilbert's work, and he would there find that one-third part of the tithes was due to the poor. Such had been the law from the time of introducing Christianity into England. What, therefore, the putative father of the Bill had laid down as law in the other House, was not law as laid down by writers of authority. The noble Lord had said, that the Bill did not call into dispute the rights of the poor to parochial relief, whilst the putative father of the Bill had declared to the other House, that the poor had no right at all. The great object of the Bill was, to teach the poor to live as man and wife without having any children. This was a base and filthy philosophy, and yet a book had been published showing the means of carrying the principles of Malthus into effect. Every farmer knew that the effect of the Bill was to take away the poor-rates from the poor, and to put them into the pockets of the landlord. What harm, he asked the noble Lord, could postponing the Bill do? Oh yes, it could do great harm; it would give the country time to reflect upon the Bill and to understand it, and this was a great harm in the eyes of Ministers. The House would not pass the Bill if it had to be brought before them in the next Session. He should support the Amendments of the hon. member for Oxford.

Sir *Samuel Whalley* supported the Amendment of the hon. member for

Oxford. He said, that the noble Lord had violated the pledge given by him in that House, when he declared, that the Commissioners were not to possess the power of altering laws, whereas, as the Bill now stood, they might issue orders in contravention of one general, and many local Acts. The noble Lord could not count on the co-operation of the parochial authorities, for they were throughout the country, averse from the measure, and he believed that it would not have the effect which its supporters expected it to produce with respect to the reduction of the poor-rates, it was likely to excite a spirit of insubordination among the labouring population. For all these reasons, he felt bound to vote for the postponement of the consideration of the Lords' Amendments. It was rumoured that the Commissioners under the Bill were to receive 2,000*l.* a-year each. If they were to be appointed at all, he did not think that amount of salary too high; and he confessed, that though unwilling to trust any persons with the extraordinary power created by this Bill, he derived some consolation when he recollected the names of the highly-respectable gentlemen who, it was rumoured, were nominated Commissioners.

Mr. *Langdale* said, that in voting for the original Motion, that the Amendments of the Lords be taken into consideration, he wished it to be understood that he did not mean thereby to pledge himself to approve of them all. There was one clause which had been omitted by the Lords, with respect to which it was his intention to divide the House.

Mr. *Richards* observed, that the Bill was originally introduced with the professed object of remedying the abuses which it was admitted on all hands existed in the administration of the Poor-laws; and though the measure proposed to vest the Commissioners with extraordinary powers, he had felt it his duty to vote for it, because he believed the case to be one which called for the application of extraordinary powers. Still he desired it to be understood, that he had supported the measure in the perfect confidence, that it was the intention of Government solely to correct the mal-administration of the Poor-laws. But after the statement which was reported (and he believed correctly reported) to have been made in another place by a person high in his Majesty's Government, who went the full length of condemning the principles of the Poor-laws, and of the 43rd of Elizabeth, and who spoke not of the Government addressing themselves to the correction of existing abuses, but of finally abolishing the Poor-laws altogether, he was induced to think either that the present measure was not introduced with that good faith for which he had given the Government credit, or else that there existed such disunion and division of sentiment among his Majesty's Ministers on the subject as to destroy that confidence in their discretion and wisdom which had induced him to give them his support in carrying the Bill through that House. He felt it his duty to protest against the sentiments which were reported to have been uttered by a person holding a high and influential situation in his Majesty's Government, and to declare that those sentiments had awakened his jealousy, and induced him to believe that some of the Ministers intended to attack the rights of the people in a way which would create anarchy, and endanger the best interests of the community. He therefore took this opportunity of declaring himself completely hostile to a Bill introduced and intended to be carried into execution with such a spirit.

Lord *Althorp* said, that the hon. Gentleman totally misrepresented the object which he (Lord Althorp) had in view in introducing the present measure, when he said, that it had been brought in with the intention of ultimately abolishing the Poor-laws. He did not know what ground the hon. Gentleman had to justify such a statement, for he was sure that a casual observation which might have dropped from a noble and learned Lord, when speaking generally on the subject of the Poor-laws, would not be considered as a justification for any one saying, that the present Bill had been brought in with the intention of getting rid of the Poor-laws.

Mr. *Benett* had always opposed the principle of the present Bill, but he should regret to be obliged to vote again on the question; for the measure having been carried by large majorities in both Houses of Parliament, he had not the vanity to suppose that he was right, and that the majorities of both Houses were wrong. He was, however, so strongly convinced of the unconstitutional nature of the Bill, that he should feel bound to vote for its postponement. He did not see what reasonable objection could be urged even by the supporters of the measure to a little more delay; and, for his own part, he felt confident that the deferring to pass the Bill into law at the present moment must be attended with beneficial effects. If the Amendment proposed by the hon. member for Oxford were acceded to, the people would have time afforded them to become acquainted with its various and complicated provisions; and the Members of that House would then have the benefit of hearing the opinions of their constituents fully expressed on the subject. Besides, there were many parts of the Bill which in his mind bore too hardly on the poor, and he expected that the consequence of mature reflection would be to demonstrate the propriety of somewhat tempering their severity. He trusted that the natural right which the poor undoubtedly possessed to be maintained out of the produce of the soil would never be violated by the Legislature of this country. In another point of view the postponement of the Bill till next Session was highly desirable. It was well known that considerable improvement had lately taken place in the administration of the Poor-laws throughout the country, and it could not be doubted that the parochial authorities would be most anxious to put into practice every useful suggestion embodied in the Bill before the House. By delaying, then, to pass the Bill in the present Session, the Members of that House would be enabled to come to its discussion at a future period with the advantage of experience, and would be better able to decide than they were at present how far it was necessary to vest the Commissioners with all the extraordinary powers created by the Bill.

Mr. *Robert Palmer* had never given a vote in the House on any question having reference to the present Bill, because he had always entertained very great doubts as to the practicability of carrying it beneficially into effect. He had at different times expressed his opinion with respect to some of the details in the Committee; yet as the Bill was introduced by his Majesty's Ministers after an inquiry of two years on the part of a Royal Commission, he thought it desirable that the Bill should go up to the other House, in order that it might undergo further investigation there. Looking at the Bill as it had been returned to that House, he felt bound to say, that in his opinion the Amendments made by the Lords, although he admitted that some of them were useful, had on the whole rendered the Bill worse. He entirely disapproved of the Amendment which had been made with respect to illegitimate children. After the best consideration he had been able to give the subject, he thought that the postponement of this measure was desirable. The Bill was imperfectly understood in the country; it had not been discussed by the Gentlemen who met at Quarter Sessions; and he knew that many persons looked at it with apprehension and distrust.

Mr. *Hodges* saw nothing in the Lords' Amendments to induce him to alter his opinion with respect to the Bill, and he should therefore support the Amendment of the hon. member for Oxford. In his opinion Parliament would be guilty of a great and enormous error in passing the Bill without due consideration, and he thought it was desirable to postpone it till next Session, in order that the opinion of the public on the subject might be known, and an opportunity afforded to Gentlemen to refer to the large mass of evidence which had been collected by the Poor-Law Commissioners. For these reasons, he should vote for the postponement of the measure to another Session, and he believed that a short and unostentatious Bill, very unlike the present Bill, would be found sufficient to remedy the evils complained of in the administration of the Poor-laws.

Mr. *Hardy* said, that instead of either negativing the Lords' Amendments, or taking them into consideration, he should propose a middle course—namely, that the Bill should be allowed to stand over till next Session. What he meant was, that the proposition for postponement should come from the noble Lord (Lord Althorp), and that it should not appear to be forced upon him. He had lately been in the West Riding of Yorkshire for a fortnight or three weeks, and he was informed by several persons, whom he consulted on the subject, that they did not understand the provisions of the Bill; and they added, that they had power enough without the intervention of the Legislature to carry any regulation into effect for the diminution of the poor-rates. Under these circumstances, he saw no great evil in postponing the Bill for a few months, especially as an opportunity would thereby be afforded to the country of duly considering the Amendments of the Lords.

He should therefore vote for the Amendment of the hon. member for Oxford.

Lord *Althorp* was surprised to hear hon. Members speak of the postponement of the Bill, as if they thought that nothing would be more easy than to introduce and pass such a measure in the next Session of Parliament. He was sure, however, that unless the majority of that House had greatly altered their opinion with respect to the measure, the proposition for delay would not be acceded to. He trusted that they would not lose the opportunity they now possessed of passing the Bill; for if it were postponed to another Session, he must be a bold man who would then undertake any amendment of the Poor-laws. The hon. member for Oldham had spoken of one person being the putative father of the present measure, but he must claim as much concern in it as any other person, and he certainly must say, that it appeared to him to be as beneficial a measure as had ever been passed. It had been observed, that the Amendments of the Lords materially altered the principle of the Bill. He should be sorry if this statement were correct, because he believed that the measure had been maturely considered in that House, and he begged hon. Gentlemen, who said that the Bill had not received due consideration, to recollect that every clause had been fully discussed in Committee, on the Report, and on the third reading; therefore, if any hon. Gentleman had not made up his mind as to whether the Bill should pass or not, he did not think that further consideration would at all enable him to come to a satisfactory conclusion. He was surprised at the statement made by the hon. member for Berkshire, to the effect that the Bill was not understood in the country. He thought that the Bill was not only well known, but generally approved of in the country. He knew that the Bill, and he personally, had been very much attacked, but he did not believe that those attacks were at all in accordance with the feeling of the country. When hon. Gentlemen spoke of postponing and not rejecting the Bill, he begged to observe, that a Motion for postponing the reading of a Bill for six months had always been considered as equivalent to a Motion for its rejection. At any rate, he could see no distinction between them.

Lord *Granville Somerset* was ready openly to avow, that his reason for supporting the Amendment proposed by the hon. member for Oxford was, because he wished the Bill not to pass. The more he considered the subject, the more he was convinced that the measure, even if it were good in itself, was quite uncalled for at the present time. He saw no use in pressing forward the Bill against the wishes both of the rate-payers, and the persons who received relief from the rates. As to the Amendments made by the Lords, there were some in which he agreed; but his reason for supporting the Amendment of the hon. member for Oxford was, that he thought the subject would be better considered if it were postponed till next Session.

Mr. *George F. Young* said, that as he read the Bill as it came from the Lords, he considered that the rejection of the clause which authorized the refusal of relief to able-bodied paupers after 1835 would have the effect of justifying such a refusal from the present time. At least he so understood it, and would therefore vote for the postponement of the Bill to the next Session.

Mr. *Harvey* contended, that the alteration made in clause 48, by which the relief of able-bodied paupers was let in, would destroy that principle of the Bill for which its framers had originally contended. That principle was a sound one —namely, that all men who were in health should look for support to their own industry and correct habits. The principle was, that there should not be any poor pensioners, any more than rich ones, preying upon the labour of the industrious classes. It now appeared, however, that the Commissioners would have the power to defeat that principle. If these able-bodied paupers called on the Overseer or on the Magistrates, as might command relief, then the Commissioners were to have the power to relieve them; but in large districts where the population was scattered, and where the poor could assemble only in small numbers, then relief might be withheld. There was another Amendment to which he strongly objected, which was the omission of clause 18th as it stood in the Bill when it passed that House; and he was surprised that the noble Lord, who had all his life been the advocate of religious liberty, should sanction such an Amendment as the omission of a clause which secured to the inmates of the workhouse the privilege of religious worship according to his conscience. Surely, if ever there was a condition in life which more than another required the comfort and consolation of religion, it was that where the poor man, deprived of all means of self-support, and probably deserted by his former friends, looked to the grave as a relief from his sufferings. By the rejection of the 18th clause the unfortunate person placed in those circumstances would be deprived of the spiritual consolation which he might otherwise derive from the advice of the minister of that form of worship to which he was conscientiously attached. The noble Lord seemed to think that sufficient guarantee would be given for the admission of such instruction by the power of the Commissioners; but he must say, that no set of men ought to have the power of rejecting, or admitting, at their pleasure, the visits of the ministers of religion to the inmates of workhouses. By the Bill as it now stood, the Dissenters who might be in workhouses would be placed in a state of mere toleration, a state which he was sure the country would not sanction. He had heard of the weakness of the present Administration, but it was not seen in the progress of this Bill. They were bold and persevering in it, and he gave them credit for going on with it rather than deferring it to another Session. Why should they defer this measure to another Session? To defer it would be to defer everything else of the many measures which had hitherto been delayed, but which were promised for the next Session. What was it which they had not been promised for the next Session? It was to be the golden year of the Reformed Parliament, the jubilee of legislation, when all the important measures which had hitherto been delayed were to be brought forward and completed. To delay this Bill, therefore, would be to postpone indefinitely those promised reforms of which they had heard so much. He, under these circumstances, hoped that the Bill would not be postponed; but he also hoped that the amendments to which he had referred would not be retained in it. It was said that this Bill was not understood in the country. It was well understood, and particularly so by that class to which it so much applied—he meant the landlords. In the discussion with their tenants about the arrears of rent, they would hear about the pressure of taxation, and of course of the 8,000,000*l.* paid for poor-rates. It would then be said, that the able-bodied labourers were not to obtain relief; that he would be more independent if he relied upon his own industry, than upon the chance of parochial relief. The labourer would say, "Well, then, I am content, but let me lay out the produce of my labour in that way which will bring me the largest quantity of food;" and when he found daily in the city article of *The Times*, that in most of the towns on the Continent, the labourer could purchase his bread for half the price at which it could be obtained in England, he would naturally look for the means of being enabled to make his purchase of the cheaper article. This would, in the result, lead to the repeal of the Corn-laws; and even on this ground he hoped this Bill would pass, but without the amendment relating to the refusal of the admission of Dissenting ministers to persons confined in workhouses.

Mr. *Thomas Attwood* agreed with the noble Lord that he must be a bold man who would attempt to introduce an amendment of the Poor-laws if this Bill were not carried, but he hoped this Bill would not be carried. He was sure it would be found impossible to carry it into effect. The people had a right to claim relief if they could not obtain employment—as good a right as the noble Lord had to the hat on his head. If the people were prevented from living honestly, they would be justified in living dishonestly. He would repeat it. It was according to law. For the law said, and it was a principle of our Constitution, that obedience was to be contingent upon protection, and that where no protection was given no obedience could be exacted.

The House divided on the Amendment. Ayes 24; Noes 79;—Majority 55.

List of the Ayes.

Attwood, M.
Attwood, T.
Bainbridge, E. T.
Beauclerk, Major
Benett, J.
Buckingham, J. S.
Cobbett, W.
Evans, Colonel
Forester, Hn. G.C.W.
Hardy, J.
Hodges, T. L.
Hughes, W. H.
Kennedy, J.
O'Connor, F.
Oswald, R. A.
Palmer, R.
Potter, R.
Richards, J.
Rider, T.
Somerset, Lord G.
Vigors, N. A.
Walter, J.
Whalley, Sir S.
Willoughby, Sir H. P.
Wilks, J.
Young, G. F.

The amendments of the Lords were taken into consideration and agreed to up to Clause 18.

On the amendment by which Clause 18 was rejected being read.

Mr. *Langdale* objected to that Amendment. By the 18th Clause it had been enacted that no rule or regulation of the Commissioners, nor any by-laws at present in force, should oblige any inmate of any workhouse to attend divine service in any mode contrary to his religious principles; nor should any such rule, &c. By the omission of this Clause the inmates of workhouses would be forced to attend divine worship though against their own conscientious conviction, and their children might, against their consent, be reared up in a form of worship to which they could not conscientiously adhere. The omission of the Clause was a violation of the principle of religious liberty, and one in which he could not concur. He had supported the Bill all through, as thinking that it would be productive of much good, but he could not concur in this Amendment. He concluded by moving that the House do not agree to the Amendment of the Lords upon this Clause.

Lord *Althorp* thought that it was a matter of great importance that persons of every religious denomination should have religious instruction from their own pastors, either at their own places of worship, or in the workhouses in which they were unfortunately placed. He could not construe this Amendment of the Lords into a prohibition of the entrance of Dissenting ministers into workhouses. He viewed the restoration of this Clause as unnecessary, for, as the law stood at present, dissenting clergymen had a right to enter all workhouses. The only mode in which dissenting clergymen could be excluded would be by a rule or order of the central Commissioners. Now as such order must be approved by the Secretary of State, and afterwards by the House of Commons, was it likely that any such order would ever be made? After the discussion which had just taken place, it was quite evident that an order would be made by the Commissioners to admit clergymen of all denominations into the workhouses. Unless there was something decidedly objectionable in the Amendment of their Lordships, that House ought not to differ from it. And as there appeared to him nothing objectionable in it he trusted the House would agree to it. If it should be the opinion of the House that the Clause should be re-inserted, he certainly would make no objection to it, though it might, perhaps, lead to some difficulty. But if hon. Gentlemen should be of opinion that the omission of this Clause would not be productive of any practical grievances, he hoped that they would withdraw their objections to the Amendment of their Lordships. If they would not, he should not be inclined to press his own opinions.

Mr. *Buckingham* supported the Motion as the omission of this Clause would press heavily on the religious rights and liberties of the poor.

Mr. *Ewart* said, when they had firm grounds to stand on as in this case, the House of Commons ought not to yield any point of importance out of mere deference to the other House of Parliament. The opposition to this Amendment of their Lordships was just and proper, and he hoped that it would be persisted in.

Mr. Secretary *Rice* said, that if it were the law that the clergyman of a parish had the power to prevent persons in the workhouse from receiving from their own pastors religious consolation, unquestionably this Clause would deserve to be re-inserted in the Bill, but he did not believe that the clergyman had any such power. No one questioned that in the workhouse, there would be ample means of religious instruction. There was no real difference of opinion—no difference, at least, on principle. The re-insertion of the Clause would not be productive of any inconvenience, and therefore let the House decide the point, if possible, without a division, and not make the point a matter of dispute.

Lord *Althorp* said, that as it appeared to be the wish of the House, that the Clause should be re-inserted, he would make no objection.

Motion agreed to, and the Lords' Amendment (omitting the Clause) negatived.

Lord *Granville Somerset* protested against the Bastardy Clause, and asserted that in ninety-nine cases out of 100 it was impossible to get at the putative father. Now, he would say, that under the Bill in its former shape the putative father could at once have been reached, whilst under their Lordships' Bill it would be next to impossible to reach him in any instance. He feared that the alterations made in the Lords' Bill were of a most oppressive nature. He would mention an instance which occurred in his own family. A young woman was proposed as a servant in his house, and several questions were asked of her as to what she could do; at length she was asked why it was, that she had left her last service, and she at once became affected. "I took my hat and left the room (said the hon. Member) and it was found upon inquiry that the poor girl, trusting to the fond promises of a faithful, or, as he had proved, a faithless man-servant, had allowed herself to be taken advantage of, and the natural consequence ensued. But the girl's statement having been found to be correct, and there being nothing else against her, she was taken into his family, and she was now, he was happy to say so, the prudent and virtuous wife of an honest and honourable man."

Lord *Althorp* said, that of course he preferred the Clause as it stood, though, after all, the effect of the change would be to bring matters back nearly to what they were at first. For the reasons which in the early part of the evening he stated to the House, he certainly was of opinion that it would be best to adopt the alteration; and under all the circumstances he did think, that the Clause as altered was calculated to promote the morality of both sexes in the humbler classes. He feared, however, that the effect of the measure would be to increase the difficulty of fixing the charge upon the putative father; and he feared also that such father would not be pursued unless he proved to be a man in good circumstances; while formerly he was pursued whatever might be his circumstances, the more especially if he happened to belong to another parish.

The House divided on the Question that the Lords' Amendment to the Bastardy part of the Bill be agreed to. Ayes 50; Noes 19;—Majority 31.

List of the Noes.

Benett, J.
Briggs, J. R.
Dick, Q.
Forester, Hn. G.C.W.
Hanmer, Col.
Hodges, T. L.
Hughes, H.
Palmer, R.
Potter, R.
Richards, J.
Rider, T.
Somerset, Lord G.
Thompson, Ald.
Vigors, N. A.
Walter, J.
Wilks, J.
Wood, G. W.
Willoughby, Sir H.
Young, G. F.

TELLERS.

Cripps, J.
Hardy, J.

Mr. Aglionby moved an Amendment, having for its object to give Magistrates, previous to making an order of affiliation, the option either to require or dispense with evidence corroborative of the testimony of the mother of the bastard.

Lord *Althorp* thought it desirable that the production of corroborative evidence should in all cases be required.

The House divided on Mr. Aglionby's Amendment. Ayes 4; Noes 44;—Majority 40.

A Committee was appointed to draw up a statement of the grounds on which the House dissented from the Amendments of the Lords, to be laid before the Lords in a conference.

HOUSE OF LORDS,

Tuesday, August 12, 1834.

Minutes.] Bills. Read a second time:—Royal Burghs' Burghs' (Scotland); Registration of Voters' (Scotland).—Read a third time:—Trading Associations'; Letters Patent.

Petitions presented. By the Earl of Wicklow, from several Places, for Protection to the Protestant Church of Ireland.—By the Duke of Cumberland, from Dublin, for the Better Observance of the Sabbath.—By Lord Kenyon, from three Places, for Protection to the Church of England.

Church Temporalities (Ireland).] Their Lordships went into a Committee on the Church Temporalities Bill.

Lord *Ellenborough* observed, that as the deaneries, together with their emoluments, were in a great measure removed, it would be a very proper act to enable his Majesty, by a clause in the Act, to bestow on pious and exemplary clergymen, as a reward for their good conduct, the honorary title without emolument. The noble Lord proved a clause to that effect, which was agreed to.

When the clause was read respecting the election of clergymen to fill livings appropriated to the University of Dublin,

The Earl of *Wicklow* observed, that when this Bill was first brought before their Lordships, the noble Duke (the Duke of Wellington) below him had proposed that a certain number of livings should be appropriated to the use of the University of Dublin. That proposition was acceded to, and the noble Earl, then at the head of the Government, undertook to frame a clause to meet the wishes of the noble Duke. That clause gave the nomination to the Primate of Ireland and the Archbishop of Dublin alternately. Now, he (the Earl of Wicklow) proposed, that the nomination should be conjoint on the part of those dignitaries, and not alternate. He thought that the selection would be much more judicious and proper if made by the two prelates together, than if they acted alternately. If they made appointments conjointly, it appeared to him that these most reverend prelates would have but one object in view—namely, that of selecting the most eligible persons in the college. When he proposed this, he was happy to find that the Archbishop of Dublin, who then sat in that House, coincided with him in opinion, and supported his view of the case. The noble Earl also at once acceded to his view, and it was agreed that the Primate and the Archbishop of Dublin should nominate conjointly. Some error, or oversight, in drawing up the Bill, had, however, created confusion on this point; for in the Bill it was stated, "that the first nomination should be by the Primate, the Archbishop of Armagh." This left a doubt as to the course and mode of presentation. Now, he wished the words which he had quoted to be omitted, and that the clause should be reinstated in its original form, giving to the Primate and the Archbishop of Dublin the conjoint right of nomination. He should, therefore, move to expunge the words "that the first nomination shall be by the Archbishop of Armagh."

The Bishop of *London* approved of the alternate nomination, and he had at the time objected to the proposition, which was agreed to by the First Lord of the Treasury. It was most difficult to decide on a question of patronage, where two parties had the gift. He was decidedly of opinion that the better way would be for the two Archbishops to nominate alternately.

The Earl of *Carbery* said, if there were a conjoint nomination, and the parties disagreed, it would be proper to refer the matter to the provost as arbiter.

The Bishop of *London* observed, that a collision might take place between the two most reverend Prelates as to the nomination, if they were called on to act conjointly, and he would put it to their Lordships whether it was not better to avoid such a collision. Either, as had been proposed by the noble Earl, the provost ought finally to decide, or the most reverend prelates should nominate alternately.

The Amendment was agreed to. The Bill went through the Committee.

The House resumed.

BOROUGH OF WARWICK.] On the question that the House should resolve itself into a Committee on the Beer Act Amendment Bill,

The Earl of *Warwick* begged leave to enter into a vindication of his conduct from the imputations cast upon him for his alleged interference in the election for the borough of Warwick. He begged to state, that immediately on receiving a communication from the Secretary of State of the Home Department, respecting the charges alleged against him in another place, he wrote to his Lordship, and gave, he trusted, a satisfactory explanation. During the last Session of Parliament he attended in his seat, ready and anxious to meet any accusation that might be brought against him. And though he had been subjected to the grossest aspersions in the public newspapers, as unmanly as they were untrue, and as malignant as they were false, yet he allowed them to pass by with the utmost indifference, conscious that his conduct on the occasion alluded to, would bear the test of the strictest inquiry, an inquiry which he was at all times more desirous to court than to shrink from. Since he had known the borough of Warwick it had been perfectly open and independent. He was first returned for that borough on coming of age, without any solicitations on his part. He continued to represent the borough in every successive Parliament till his accession to the Peerage in 1816, and was, on each occasion, returned by a great majority of the electors, without any electioneering agency whatever, there not being so much as a poll-book used. When the vacancy occurred in the representation of the borough, consequent on taking his seat in that House, the town spontaneously elected his brother, Sir Charles Greville, as his successor, free of expense, and invited him to a public dinner, at which the parties who prosecuted the Warwick Borough Bill, attended. As for the Bill itself, their Lordships had already come to a decision on it. For himself, he could say, he took no part in the proceedings at the late election; and he knew no more of them than he had learnt from the evidence. One charge which their Lordships had not thought it necessary to investigate affecting him, was that of making fictitious votes. He would, therefore, call upon the noble and learned Lord on the Woolsack to bear witness that he did, in his seat in that House, take the only proper mode in which it became him to offer any interference—namely, that during the passage of the Reform Bill, he proposed an Amendment in the 33rd clause to prevent scot-and-lot voters, not then on the returns, being put on, to the end of July, 1831. This the noble and learned Lord at the time highly approved of, and named it to the Chancellor of the Exchequer. The Amendment was not however made, and had it been, all chance even of fictitious votes, would have been done away with on both sides. As to his property, generally, in Warwick, having been laid out for political purposes, or put under any system of arrangement for such objects, every one connected with the borough knew it to be not so, and none were more accurately acquainted with that fact than his accusers themselves.

The *Lord Chancellor*, in consequence of what had fallen from the noble Earl, felt it necessary to say, that it was criminal for any member of the House of Lords to be concerned in bribing, treating, or any other acknowledged illegal act; but he did not hold it to be contrary to law for any Peer to interfere in elections in the same manner in which a commoner could legally interfere. He spoke as a lawyer, and constitutionally. He was aware that such interference on the part of Peers was contrary to a resolution of the House of Commons, but their Lordships had never admitted (whether rightly or wrongly their Lordships were the best judges) that they were concluded by a resolution of the other House of Parliament. It was, perhaps, a thing to be avoided, but it was not illegal—it was not contrary to the character of a constitutional man, a good subject, or a man of honour. The predecessor of the present Earl Marshal, who was a very constitutional man, attempted not only to interfere in, but to vote at elections—that was to say, he offered to vote, but his vote was of course rejected. He held, that a Peer was entitled by law to canvass, though it was declared improper for him to do so by the Resolution of the House of Commons. The respect which he had for the Resolution of the House of Commons would prevent him individually from interfering in elections, but, he should hold any Peer who did so, not guilty of any dishonourable act, or of anything which could affix a stain upon his character.

The House resolved itself into the Committee on the Bill; the clauses were agreed to, and the House resumed.

CINQUE PORTS PILOTS BILL.] Lord Auckland moved the second reading of this Bill.

The Duke of *Wellington* opposed the Motion. He hoped that an institution like that of the Cinque Ports Pilots would not be destroyed without an inquiry being set on foot and evidence given on oath. He contended that the effect of this measure would be to take away from the pilots, by giving the boatmen of Folkestone permission to go on board vessels, that remuneration which their labour deserved and the boatmen would not be able to perform the services which would be required of them in a manner satisfactory to the public. Again, he objected to this Bill on the score of its imposing a virtual tax of 1*l.* on merchant vessels, by enacting that those boats should be compelled to take pilots from the vessels they had navigated to shore. Every means had been tried to make the navigation of the coast, particularly those parts of it which lay over against the narrow seas, cheap, commodious, and, above all, safe; and, as Lord Warden of the Cinque Ports, he felt it his duty to tell their Lordships that they would act most unwisely in overturning an establishment of men fitted by long experience and nautical skill to pilot vessels, to substitute a body of men who had not knowledge to enable them to perform the duties they undertook. As far as he was personally concerned he did not care one pin what became of the Bill, but as a public man, he thought it his duty to move, that it be read a second time that day six months.

The Earl of *Radnor* observed, that a boatman might go on board a ship, but as soon as the vessel rounded Dungeness, and a pilot went on board, the boatmen was superseded, and was not entitled legally to any remuneration. Now this Bill only enacted that the boatmen should receive payment proportionate to the distance he had carried the ship before the pilot came on board. As to the tax on the trade of England of which the noble Duke had spoken, if the trade of England wished to be put to this expense, he saw no reason for any objection. But the reason was, that unless boatmen were bound to take the pilot on shore, ships would be frequently obliged to carry a pilot a great distance from his home, and a Dover or Deal pilot would be landed at Plymouth or Falmouth, or perhaps, for he knew of such an instance, at Madeira. The object of this Bill was to establish twenty more pilots at Folkstone, which was a most desirable station, lying to the west, and sheltered from the violence of those winds which chiefly prevailed in that quarter, and a station, from which could be seen every vessel that rounded Dungeness. The noble Duke had really made a mountain of a molehill, and he trusted that the Bill would be read a second time.

Lord *Auckland* concurred with the noble Duke opposite in thinking that an inquiry ought to be made either before a Committee of the House or in some other manner into the whole system of pilotage of this country. He admitted that this was particularly necessary in consequence of the growing distrust amongst the commercial interests to the prevailing system generally. The numerous Corporations under the guidance of which the system worked, and including the Newcastle, Bristol, Liverpool, Deptford, and Trinity-house Companies, ought to be inquired into, as well as the Cinque Port Pilot and cutter system, and an uniformity of practice introduced by the Legislature. He could assure the noble Duke that the objects of the present Bill were not regarded as trifling by the mercantile interests; but notwithstanding this he should not, after what had passed that evening, persist in pressing the Bill during the present Session.

The Amendment was agreed to. The Bill to be read a second time in six months.

HOUSE OF LORDS,

Wednesday, August 13, 1834.

MINUTES.] Bills. The Royal Assent was given by Commission to the following:—Exchequer Bills; Assessed Taxes Composition; Newspaper Postage; Stamp Duties Repeal; Excise Revenue Management; Pensions (Civil Offices) Act Amendment; Capital Punishments; Militia Ballot Suspension; Militia Pay; Newspaper Stamps (Ireland); Arms Importation; Fever Hospital (Ireland); Valuation of Counties; House of Commons' Offices; Land Tax Amendment; County Rates; Spring Quarter Sessions; Justices of the Peace (Scilly Islands); Insolvent Debtors f Merchant Seamen's; Weights and Measures; Courts o; Justice (Dublin) Offices; County Bridges (Ireland) Norfolk Ireland; Roads Act Amendment (Ireland); Lancaster Court of Common Pleas; Dean Forest Boundaries; and to eight Private Bills.—Read a third time:—Customs'; Insolvent Debtors' (India); Assessed Taxes' Repeal; Exchequer Bills; Public Works; Bank of England Debt; Starch &c. Duties' Repeal; Spirit Duties; Payment of Creditors' (Scotland; Tithes Stay of Suits; Turnpike Road Act Continuance; Fines and Recoveries (Ireland).

Petitions presented. By the Duke of WELLINGTON, from Deal, against the Cinque Ports' Pilot Bill.—By the Earl of ROSSLYN, from two Places, for Protection to the Church of Scotland.—By the Marquess of BUTE, from the Shareholders of the London and Westminster Bank, for a Bill to Incorporate their Society.—By the Bishop of LONDON, from the Parish of St. Pancrass, Middlesex, for Protection to the Church of England.

JUSTICE OF PEACE BILL.] A conference having been held with the Commons, on the subject of this Bill, the Report of the Conference was presented.

The *Lord Chancellor* wished to say a few words to their Lordships on a subject that gave him great concern, he meant on the subject of the disagreement between the two Houses of Parliament upon the Justice of Peace Bill. The House of Commons had refused to agree to the Amendment of their Lordships, who had omitted two clauses which had been in the Bill when sent up from the Commons. On the first of these he should have said nothing; but he could not assent to the other. He could not avoid expressing the discontent he felt on this subject; and he must say, with all due deference for the House of Commons, that it was impossible to comply with their wishes on this point. One of these clauses required, that all Justices should, in all cases, take down all the evidence that was offered on any subject brought before them. Any one who knew what sort of evidence was frequently offered, and, from the want of professional assistance, what sort of evidence was often admitted, would know that this could not be done. Anything so wild, then, as this proposition he had never heard of. He never could bring himself to agree to the restoration of those two clauses. The Bill itself was a beneficial measure; but rather than impose upon it the two clauses which their Lordships had rejected, he would consent to lose the Bill. The second of these clauses gave to the Justices of the Peace authority to set aside or annul all Acts of Parliament affixing a penalty upon certain offences. He had great respect for the magistracy, but he could not consent to give them such power as this. He could not consent that they should say, that certain penalties should not be paid, though the Legislature had imposed them. One of the results of investing them with such a general power, would be to make the Legislature itself careless about imposing penalties, inasmuch as the discretion of the Justices could correct any error. He should, therefore, move, that the Amendments of the Commons be read a second time this day six months.

Lord *Wharncliffe* supported the Motion, on the ground that it would be impossible for the Magistrates to do what was required by the first clause, and improper to intrust them with the discretion given by the second.

The Motion agreed to, and the Bill was put off for six months.

AMENDMENT OF THE POOR LAWS.] A conference was held with the Commons on the subject of the Poor-laws' Amendment Bill, and the report of the conference was presented.

The *Lord Chancellor* said, it had been determined in their Lordships' House, to amend the Poor Laws' Amendment Bill, by leaving out certain clauses. His proposition with respect to this Bill would not be the same as in the last case, because, although he disagreed from the Commons, he should be most unwilling upon that account so important a Bill as this should be lost. He was clear that the clause the Commons proposed to retain, giving the ministers of dissenting sects a right to enter the workhouses in order to administer religious assistance to the followers of their particular sect, was entirely superfluous; and but for the great respect which he entertained for the House of Commons, he should say it was absurd that this clause should be left in. For why were they to suppose that there was some sufficient cause to bind down the discretion of the overseers, and, above all, of the Commissioners, whom they were about to intrust with very large powers in this one case, when they did not think it necessary to bind them down in others. He should be inclined to reprehend, in the severest manner, any master of a workhouse who wished to preclude a sectarian minister from having access to his follower in the workhouse; and he could not conceive why this was the only case in which they should suspect the overseers of folly or harshness. In fact, overseers were less likely to err upon this delicate point of religious instruction than upon any other. There was another clause that the Commons wished to retain that was also unnecessary. Now, on this subject their Lordships had one of three courses to pursue. The first was, to reject the Amendments of the Commons, a course which, for the reason he had already stated, he should not propose to be pursued. The second was, to have a free conference with the Commons, and have the matter argued and discussed to-morrow morning; and the third was, to receive the Amendments of the Commons, but to enter a protest against them. He should feel inclined to adopt the last course, and to withdraw his objections to the clauses, but to give notice at the same time, that on the first day of next Session he should move for leave to bring in a Bill to correct what he conceived to be errors. There was a deficiency in the clause respecting the admission of Dissenters to workhouses; for, as it was now framed, it would not describe those to whom it was intended to apply. He knew from the legal advisers of those who had framed the clause, that they who introduced it would gain nothing by it; for the Methodists, for whose benefit it was, no doubt, specially intended, were not included in it as it now stood; and, indeed, as others appeared to be named when they were not, they might, perhaps, be actually excluded.

The Bishop of *London* said, there had been no intention whatever to place any restrictions on the admission of Dissenting teachers when this clause was omitted; but he felt with the noble and learned Lord, that there was no necessity for the clause, as there never would be any difficulty about their admission.

Lord *Wynford* was not so sure that a declaratory clause might not be necessary, because he did not feel the same confidence in the Commissioners that was felt by the noble and learned Lord on the Woolsack. He had every confidence in their integrity and knowledge, but not in their ability to carry this Bill into effect in all its very numerous enactments.

The *Lord Chancellor* said, there was an objection, in point of form, to a free conference, and that was, that their Lordships must give their reasons for their resolution from which they could not afterwards recede, and by such means the Bill might be ultimately lost—a consequence that he would not by any means run the risk of incurring. The clause, however, was unnecessary, for the Commissioners after all would have, without it as with it, the power of giving admission to the workhouses—but there was the less evil in agreeing to the clause, as, however accurately this Bill might be now framed, he thought there would not more than four months elapse before practice would discover some Amendments to be necessary, and when they were introduced, this matter could be amended.

The Duke of *Wellington* thought, that in this age of liberalism, they ought, if possible, to exclude religious schisms and disputations from the workhouse.

The *Lord Chancellor* meant to protest against the clause, and therefore did not wish to be the person to move its adoption.

Lord *Wynford* moved the adoption of the Amendments of the Commons which was agreed to.

FOREIGN AFFAIRS.] The Marquess of *Londonderry*, seeing the noble Viscount at the head of his Majesty's Government in his place, wished to say a very few words relative to a subject on which a discussion took place a few evenings ago—namely, the contest now carrying on in Spain. On the occasion to which he referred he understood the noble Viscount to declare that it was not the intention of his Majesty's Government to interfere on behalf of either of the belligerents in that country; but, if he were rightly informed a demonstration had been made on the part of the Government of Great Britain which was altogether inconsistent with either the literal interpretation or the spirit of that declaration. He had heard, that a British officer, Colonel Caradoc, was now at the head-quarters of the army of General Rodil, but whether that officer was there as an accredited military Commissioner on the part of the Government of this country, he, of course, could not undertake to say. He trusted, however, that he was not, and for this reason, that if the Government of Great Britain had placed one of the officers of their army in such a position, it would go the length of demonstrating beyond all manner of doubt a disposition on the part of England to interfere in favour of one of the belligerents. Their Lordships must recollect that the officer to whom he alluded was employed in the trenches during the siege of Antwerp; but in that case they all knew it was the intention of this Government to act in support of Belgium. He noticed the information which had reached him on this subject merely to point out to the noble Viscount the effect which placing a British officer in such a position must have, and he would only add that if the demonstration were not real, it certainly wore that appearance, and was contrary to the statement which the noble Viscount had made. He had no doubt, however, that the noble Viscount would explain to their Lordships whether the fact were so or not, and under this impression he should advert to another topic which seemed to him to call for inquiry. He begged leave to call the attention of the noble Viscount to the affairs of Portugal, and to ask him if the Government of this country had received any information respecting, if they were cognizant of, the confiscations and spoliations which were now going on at Lisbon, on the part of the Government of Don Pedro, against the property of the parties who opposed him in the late contest for the Crown of that kingdom. By the Treaty which had been entered into a general amnesty was guaranteed, not only to the people of Portugal, but to all other persons; and he contended that the Government of this country was bound to see that the whole of the stipulations contained in that Treaty were properly and fully carried into effect. He therefore hoped that no time would be lost by his Majesty's Ministers in taking some steps for the relief of the parties thus oppressed. To show their Lordships the extent to which the proceedings he described had been carried, he had only to say, that he held in his hand a list of twelve British ships, worth 100,000*l*., which had been confiscated by the new Board established by Don Pedro at Lisbon in the place of the Admiralty Court, which, with other old tribunals, had been abolished. An appeal lay from the decision of the Admiralty Court, but from this new Board there was no appeal, and therefore those merchants who had thus unjustly, as he contended, been deprived of their property, were left without redress. He hoped, however, that the subject would be inquired into by the noble Viscount, and that his Majesty's Ministers would see that justice was done to the injured parties. For his part he could not conceive that any Board should have the power of confiscating property to such an amount as 100,000*l.* without the owners having the right of appealing to some other tribunal.

Viscount *Melbourne* must in the first place deny, that he said on the occasion referred to by the noble Marquess, that it was the intention of his Majesty's Government not to interfere in the contest now carrying on in Spain. He had made no such statement, neither had he said anything to that effect; on the contrary, he had left the matter entirely open. He, however, had no objection to say, that Colonel Caradoc was at the head-quarters of General Rodil's army, because whatever related to the affairs of Spain at the present moment was of so much importance that it was indispensably necessary, not only for this Government, but for the other Governments of Europe generally, to have full knowledge of all that occurred in that country. With respect to the confiscation and spoliation which the noble Marquess said, had taken place at Lisbon, he was wholly uninformed. He had not heard of any transactions of the kind, and although he did not wish to say, that the noble Marquis's information was unfounded, he must be allowed to doubt the accuracy of his statement that the amnesty guaranteed by the Treaty had been violated by the Portuguese Government. It was undoubtedly the case that an amnesty had been granted, but he had no information as to its having been carried into effect. With respect to the confiscation of the ships which the noble Marquess said had taken place, all he could now say was, that proper inquiry should be made into the subject.

The Marquess of *Londonderry* said, it was not only his impression, but the understanding of other noble Lords, that the noble Viscount did the other night make the declaration which he had attributed to him. The noble Viscount might find it convenient now to back out of his former statement; but he must repeat, that according to his recollection, and the impression which remained on the minds of other noble Lords, the noble Viscount had stated distinctly that it was not the intention of the Government of this country to interfere in the contest now going forward in Spain, and that the Treaty bound them to no such interference. The Government of this country were, however, interfering in that contest, for were not our vessels actually cruising along the Spanish coast to assist, if there should be a necessity for it, one of the belligerent parties against the other? This was most unfair, and he would say to the noble Viscount, "If you mean to support the cause of the Queen why not candidly and openly avow your intention at once?" The conduct of our Government relative to the contest that took place in Portugal was extremely improper, and all he hoped was, that a similar course might not be pursued in the present instance.

The Duke of *Wellington* said, that the observations of his noble friend clearly showed how important it was for the Government to declare their intentions on this subject. Unless the noble Viscount did so, he was likely to be led into a situation of considerable embarrassment, for he ought to know that it was not usual for a Government to send an officer to the head-quarters of a foreign army without it being understood that they meant to take part with the power to whom that army belonged.

The conversation was dropped.

HOUSE OF COMMONS,

Thursday, August 13, 1834.

MINUTES.] Petitions presented. By Mr. WILKS, from Dissenting Ministers in London and Westminster, against the Church Rates' Bill; from one Place, for Relief to the Dissenters.—By Mr. HUGHES HUGHES, from St. Pancrass, for the Protection of the Church of England.—By Colonel LEITH HAY, from Keig, for Protection to the Church of Scotland.—By Mr. WILKS, from Boston, against Drunkenness; from Chatham, for the Separation of Church and State; from three Places, for Relief to the Dissenters.—By Colonel PERCEVAL and Mr. SHAW, from three Places, for Protection to the Protestant Church of Ireland.—By Mr. SHAW, from three Places, for Protection to the Church of England.—By Mr. EWING, from Glasgow, in favour of the Bankrupts' (Scotland) Bill.

CHURCH OF IRELAND.] Colonel *Perceval* presented a petition signed by upwards of seven hundred persons, and by the great body of the noblemen and landed proprietors of the county of Cork, which went in his opinion in a great degree to disprove the arguments made use of by certain members of the Cabinet and others, namely, that the landlords of Ireland were in favour of the Bill, which he rejoiced to say had met with the fate it so justly merited in the other House of Parliament. This petition was in favour of maintaining the integrity of the Church establishment, both as regards its revenues and its connexion with the State. It adverted to the 5th of Queen Anne, which united the Church of England and Ireland as one Church. It also alluded to the Act of Union which, notwithstanding the arguments formerly made use of by the member for St. Alban's (Mr. Ward) was intended to secure to the people of Ireland as a condition of the Union, the maintenance in its integrity, of the Irish branch of the Church of England. The petitioners also deprecated, and in this he heartily concurred with them, the issuing of that commission, which he had on a former occasion designated as "unhallowed" the propriety of which description he (Colonel Perceval) saw no reason to doubt. He was happy to find that an opinion which he had ventured to express in private with respect to the illegality of that commission, had been confirmed by a noble Lord in the other House of Parliament, who had been one of the most distinguished ornaments of the English bar and bench. The petitioners disclaimed any feelings of hostility towards any religious sect. They would willingly extend toleration to every form of religious worship, and grant a participation in political privileges under these safeguards, which the Legislature has provided for the security of the Church. He could not help feeling flattered that a petition of this importance, bearing the signatures of persons who might fairly be considered the representatives of the wealth, respectability, and intelligence of the county of Cork, should have been intrusted for presentation to his hands, in the absence of his gallant friend the member for Bandon Bridge (Captain Bernard), who was prevented by indisposition from attending. He repeated, that the petition offered a strong and substantive denial to the assertions of certain members of the Cabinet, that the landed proprietors of Ireland were favorable to that Bill of spoliation and confiscation, which, he rejoiced to say, met with its fate on Monday night, and he sincerely trusted that if ever a similar measure should be introduced into Parliament, it would meet with a similar fate. If tithes were not paid in Ireland, on the heads of his Majesty's Government be it; but he (Colonel Perceval) would maintain that if the laws were supported, tithes would be paid as willingly as ever in Ireland. The exertions of the clergy to support the laws and maintain the institutions of the country had been badly repaid by motions such as that of the hon. member for St. Alban's (Mr. Ward) for the spoliation of their property; while, on the contrary, those who had outraged the laws and fostered rebellion, had met with encouragement and support.

Mr. *O'Reilly* wished to ask the gallant Colonel, whether the petition he had just presented, contained any prayer in favour of the rejection of the Bill, which had just been thrown out by the other House; for if it did not, the observations he had made upon that subject were quite uncalled for. He was also desirous to know from the gallant Colonel how it happened, since he had so indignantly deprecated the boon of forty per cent granted by the Legislature, from the Consolidated Fund, and had taken so active a part in the debate, he had entirely forgotten to vote on the question? It was very convenient for hon. Members to absent themselves from divisions, when they wished to maintain a character for disinterested conduct, but he would tell that hon. and gallant Gentleman the real motive for such conduct could not be mistaken. The great objections taken to the Bill were made under a pretence of defending the property of the established Church, and supporting its rights and privileges, but the real object was, to keep up a system that was against the peace and happiness of that country, as it was against the wishes and general feeling of the empire. The boasted loyalty of the opponents of the Bill flowed not from conviction and principle, but from interested motives and a desire to maintain an ascendancy where they possessed political influence and property, which they feared might be wrested from them when the people became in that situation that they might maintain it for themselves. For his own part, he could not look upon the rejection of the Irish Tithe Bill by the other House of Parliament, when he viewed the effects that would certainly result from it, without feelings of dismay." It had been very insolently whispered out of that House, that the representatives of the property of Ireland had voted against the Tithe Bill; but he would fearlessly place the supporters of the Bill, in point of the property they really possessed, against the boasted representatives of the property of Ireland; and when it was fully considered how the estates of these great land-owners were incumbered by mortgages and judgments, he had not the least doubt but the balance would be vastly in favour of the rejected measure. Upon all occasions like the present, the Church was invariably put forward as a stalking-horse; but it was for the purpose of maintaining the unhallowed ascendancy of party, and the defence of those last strongholds of corruption, the corporations, that hon. Members had in view when they raised the cry of "The Church is in danger."

Mr. *Ward* said, that the gallant Colonel had taken rather an Irish way of introducing a discussion on the Tithe Bill, as not one word was said respecting it in the petition which he had just presented. The petitioners talked indeed of the Commission of Inquiry, which the gallant Colonel called an unhallowed commission. He regarded this commission with very different feelings. He thought it would prove the first step towards the removal of that accursed system (he would reply to one harsh epithet by another) which had so long rendered Ireland a prey to agitation and anarchy. As to the Bill, upon the fate of which the gallant Colonel was bold enough to congratulate the House, he viewed its rejection in a very different light. He lamented to see, perhaps, the only opportunity of settling a great national question, gratuitously thrown away; and the clergy of Ireland, whose individual rights he had been most anxious to respect consigned for a whole twelvemonth to hopeless penury and the most abject destitution. There was not a possibility of enforcing the law as it now stood, and that the gallant Colonel well knew; for when he talked so loudly of the responsibility of others, he only did it in the hope of hiding, by a little blustering, his own apprehensions as to the effects of the blow which he and the hon. and learned Recorder for Dublin, and those who thought with them, had induced the other branch of the Legislature to direct against the unfortunate clergy. As to the articles of union, upon which the gallant Colonel had done him the honour to appeal to him personally, he (Mr. Ward) should be most happy to argue the point with the gallant Colonel at a very early period of the next Session; and he moreover pledged himself to do so; for the rejection of the Tithe Bill would at least, produce this good effect—it would convince the House of the absolute necessity of asserting its right of interfering with Church property in whatever manner the interests of the community might require, by a distinct and decisive vote, as a necessary preliminary to any legislation. He, therefore, should beg to give notice of his intention to bring forward this question again next Session, in the hope of seeing it brought to a very different decision; but, whatever the result of this notice might be, he was convinced that the clergy would never again have such terms offered to them as their so-called friends had now thought proper to reject.

Mr. *Sinclair*, having had the misfortune to differ from his Majesty's Ministers with respect to the Irish Tithe Bill in its ultimate form, could not participate in those feelings of indignation, regret, and alarm, which its rejection in another place had excited in the minds of his hon. friend opposite, and the hon. Member near him. The fate of that measure had been somewhat singular. It had gone through many editions during its passage through that House; but he did think, that none of the later editions had been either *auctior* or *emendatior*, than that which preceded it. He had himself been a subscriber for the *editio princeps*, a goodly *folio*, with which he had been highly pleased, and which had been "ill-exchanged" for the mutilated *duodecimo*, which had been substituted in its place. The changes effected, both in the principles and details of the Bill, had been such as to force many politicians, who at first most cordially supported it, to contemplate its final arrangements with apprehension and repugnance; whilst others, who had originally denounced it as a measure injurious to the people of Ireland, had at length been induced to honour it with extravagant eulogy and suspicious approbation. The House of Lords had done their duty, and retrieved their character; they had obeyed the dictates of their consciences, and could not be held responsible for the results. He held, that it was man's province to act conscientiously, and leave the consequences to God. He lamented the fate of the original measure in this House much more than the rejection which the mangled edition had met with in the other. He would rather have shed a tear over its grave, than blushed at the spectacle of its mutilation. He would rather that the tree, once teeming with a nation's hopes, had been cut down, and burnt at once as a cumberer of the ground, than have seen it carted into the House of Lords lifeless and leafless, a misshapen and unseemly log, the mere *magni nominis umbra*, and bearing on its sides, instead of the choice and goodly boughs of national confidence and security, the ignominious and unhallowed trophy of Popish intimidation and ministerial servility. He repeated what he had stated on a former night, that the enemies of the Church would think that all their achievements amounted to nothing, as long as the Church had any privilege to forfeit or any property to lose. His hon. and eloquent friend, the member for St. Alban's, had just given notice that, at the earliest period of next Session, he should come forward, and, like grasping Goneril, insist on a further reduction of an already crippled establishment. When that attack had proved successful, some rapacious Regan—perhaps the learned member for Tipperary—would call for still greater reductions of the clergy and hierarchy of the Church; and then, from the vantage ground of these concessions, his hon. and learned friend the member for Dublin would discharge the whole artillery of his energetic eloquence against the shattered fabric which might still remain. At some remote period in the history of the Church—as distant, perhaps, as the year 1839, the hon. Member would address the House as follows:—"As long as Gentlemen contended for the inviolability of Church property, I could at least understand their principle. I might admire their consistency, however much I might differ from their views. But when once you had acknowledged this property to be national, how could you expect that the Irish nation would permit one fraction to be lavished in un-national or rather anti-national objects, such as the maintenance of an alien Church, which during centuries of misrule and oppression, has been bedewed with Ireland's tears, and fattening upon Ireland's blood? Oh! you would not treat any other portion of the empire as you do Ireland. You cannot even attempt to do a gracious act towards that unfortunate country without marring all its advantages by the ungracious manner in which you perform it. You cannot make up your minds to remove the galling manacles of ecclesiastical bondage, without leaving a few links entwined round our necks, to remind us of our national degradation." These were the arguments which the House must prepare to meet. These were the principles which, he feared, would ere long prevail. An hon. and learned friend of his, the member for the Tower Hamlets had stated, on a former occasion, that he was ready to go a great way. If he once proceeded to the point, at which he at present intended to stop, he would find himself irresistibly compelled to advance a great deal further. Let him only be once snugly seated in the O'Connell omnibus, with the member for Tipperary standing on the steps behind, and blandly inviting other passengers to get in, his learned friend would travel very complacently to the bourn at which he was resolved to alight; but he would, perhaps, be a little startled when the vehicle drove past at a rail-road pace; in vain would he put his head out of the window, and say, "Hollo, coachman, stop! I want to get out. I am only booked to the half way house—stop, stop!" The skilful and experienced coachman would only accelerate his pace in proportion to the vehemence of his hon. friend's exclamations, who will find himself, at a moment when he least expected it, fairly landed at the goal of Church annihilation. He (Mr. Sinclair) had always advocated in that House the principles of civil and religious liberty. He had supported the Roman Catholic claims to civil privileges, not in 1829 "when fortune's favour filled the swelling sails," but in 1812, in the days of Mr. Percival, when a vote in behalf of that measure was a sure ground of exclusion from political aggrandisement. He had also been a Reformer, not merely in the days of Lord John Russell, but in opposition to the sentiments of Lord Liverpool and Mr. Canning. He might, therefore, fairly claim the merit of having lent to these measures an independent and disinterested aid; but he had no hesitation in avowing, that he would rather see despotism in the State than anarchy in the Church. He would rather that our civil privileges were encroached upon or swept away, than our spiritual blessings and privileges annihilated or abridged; they transcended the former in importance in the same ratio, which eternity bore to time. To a temperate and effectual Church Reform he was a zealous and consistent friend; but such a measure stood at the greatest possible distance from giving countenance to Church destruction. Supposing that a noble and majestic river, which fertilized extensive districts, and supplied their inhabitants with the most essential of all aliments, became somewhat turbid in its course—he asked if it would not be wiser to discover and dam up the sources whence the noxious ingredients proceeded, than to cut off (if it were practicable) the stream from the fountain, and consign whole regions to dearth and sterility by leaving the channel dry? He was not surprised that the Papist, the Socinian, and the Infidel, should combine in an unhallowed confederacy to overthrow the Established Church. Each knew that the Church of England was the depositary and the bulwark of those great principles and doctrines which had been defined and laid down at the Reformation, and was, therefore, the chief obstacle to the success of his peculiar views. But he was not a little surprised, as well as mortified, to find the orthodox Dissenter concurring in the furtherance of such an object, and in endangering or limiting the propagation of those fundamental truths which he held in common with the Church. On such occasions, he was reminded of an occurrence, recorded by Dr. Southey, in his admirable biography of Nelson. The circumstance to which he adverted took place on the night before the battle of Trafalgar, a conflict on which the honour, the happiness, and the liberty of this country might be considered as mainly depending. At this critical moment, the Illustrious Hero was informed that a distinguished Admiral and a not less gallant Captain, on whose co-operation much depended, were not on good terms with each other. "Terms!" exclaimed Nelson; "Not on good terms? Why, yonder is the enemy!" These few emphatic words at once went home to the hearts of these brave men. They shook hands, and embraced as Englishmen; and, by their united exertions, essentially contributed to the glorious achievement of the following day. And he (Mr. Sinclair) would thus address both the Churchmen and the Orthodox Dissenter. Is this a time for jealousy and estrangement? Is this a time for weakening each other's hands, and discouraging each other's hearts? Yonder is the enemy? Yonder is the Romanist, whom nothing can ever satisfy but the establishment of that worship, which both deem idolatrous in every Church and Cathedral throughout the realm. Yonder is the Socinian, striving with sacrilegious hand to rend the diadem of his divinity from the Saviour's hallowed brow. Yonder is the infidel, surprised as much as delighted, at your mutual infatuation—wondering to see you turn against each other the weapons which he feared you would have co-operated in employing against himself, and hoping that, when your unhappy dissensions shall have led to the overthrow of each other's altars, he may be enabled to erect the temples of human reason with materials extracted from their ruins." He would exhort them to listen to the words of that volume, to which both professed an equal reverence. "Sirs, ye are brethren, why do wrong one to the other? Let brotherly love continue, and dwell together in unity; but if ye bite and devour one another, take heed that ye be not consumed, the one of the other." He apologized for having troubled the House at such length, and should conclude by adding, that the Church of England and Ireland, as well as that of his native country, should always find in him a zealous and cordial supporter of their doctrines, their property, and their rights.

Mr. *Potter* said, that he was so far from rejoicing at the decision of the other House of Parliament on Monday evening, that he regarded it with the most painful forebodings; because that measure he contemplated as the harbinger of peace to Ireland. So far as he could learn it was so considered by the clergy themselves for the noble Premier had presented a petition from a number of them expressive of their approbation of the measure. But it was not alone the people of Ireland who had reason to complain of the conduct of the other branch of the Legislature. The Bill to admit the Dissenters to the Universities had also been rejected, and he earnestly hoped that the House would not separate without expressing its opinion of the conduct of the Lords. The hon. member for Caithness had spoken of Dissenters, Socinians, and Infidels, thus classing them together; now he begged to tell that hon. Gentleman that the Dissenters were as moral and religious, and as firm believers in Christianity, as the Church, or even the Kirk itself. The hon. member had also made a gross attack on the Socinians as he termed them, but Unitarians were meant. He had the privilege and the happiness to belong to that sect, and he was ready to justify his belief. This was not the first time the Unitarians had been attacked and grossly misrepresented in that House and the other House of Parliament; this he considered most unfair, because that body could not defend itself. If this was the arena for religious discussions—if they were permitted in that House, he was prepared to prove by Scripture that the Unitarian doctrines were founded on truth and sanctioned by the New Testament itself.

Sir *Edward Codrington* believed a greater misfortune could not befall the country at the present moment than the rejection of the Irish Tithe Bill by the other House of Parliament. The event would be deeply lamented by every real friend of the Establishment, as it must effect a serious injury on the Church. He confessed he was at a loss to understand how the professed friends of the Irish Church could rejoice at the rejection of so beneficial a measure, and he could not help thinking, that such an event would tend ultimately to the great injury not only of the Church, but even the Peerage itself. He was surprised to hear any measure termed unhallowed which had passed that House by such a large majority.

Mr. *Shaw* supported the Petition, and entirely concurred in the sentiments which had been expressed by his noble friend, who presented it. Hon. Gentlemen on the other side seemed to think, that the House of Lords was to be influenced, not by a sense of duty, as regarded the merits of the question under their consideration, but that they were to be overawed by the majorities of that House—then, indeed, would their usefulness be at an end. He conscientiously believed that the House of Lords rejected the Tithe Bill, from a just regard to the rights of property, and to the truest principles of justice and sound legislation: and he was persuaded that the good sense of the people of England, whatever temporary delusion they might labour under, would eventually approve of a course directed by such motives. The truth was, hon. Members very little understood the Bill; and he did not wonder at it, after all the changes it had undergone. They blamed him (Mr. Shaw) and those with whom he acted, for not endeavouring to meet the Government by some concessions in the settlement of that important and difficult question; whereas, in fact, they had made many and great concessions, in order to support the Bill as first introduced by the Government—because, in its original form, it proposed, that which had been so frequently recommended by committees of both Houses, in speeches from the Throne, and in those of the Ministers themselves—namely, a final adjustment of the tithe question by means of redemption; but the Bill, in its altered form, abandoned the principle of redemption, leaving the annual payment still to be made by the same persons. It also failed to vindicate the law—holding out a premium to outrage, and violating the rights of all other, as well as of Church property. It was, then, a little too much to expect that those who, though generally differing from the Government, nevertheless supported a measure of the Government which promised to be beneficial, were bound to follow them through all the windings of that devious and vaccillating course which they subsequently adopted, and by which the Bill they brought out in the end was not only different from, but the very opposite of the Bill they had at first introduced. With regard to the Commission which the hon. Member for St. Alban's (Mr. Ward) had described as calculated to put an end to what the hon. Member called an accursed system—in other words, that Established Church to which the hon. Member belonged—all he could say was, that he believed that Commission would tend, above all other experiments that had been tried in Ireland, to increase party animosity, and embitter religious discord, by suggesting to the Roman Catholic population, that they would lighten their burthens by diminishing the number of Protestants — and to Protestant proprietors, that they could alone preserve their religion by excluding Roman Catholics from their estates.

Mr. *Charles A. Walker* regretted, that the Tithe Bill had been lost, but he chiefly rose, being a Protestant, to deny, that the Protestants of Ireland were of the same opinion with the hon. and learned member for the University of Dublin. He was convinced, that the rejection of the Tithe Bill would produce the most serious injury to the Catholic peasant, and to the Protestant clergy, the great majority of whom he was equally convinced were anxious for the passing of this Bill, but were controlled by their assessors, who never felt the pressure of want from the refusal of the people to pay tithe. Many even of those who voted in this House for the rejection of the Bill were glad it had passed: and one hon. Member who voted for the throwing out the Bill told the hon. and learned member for Dublin, on leaving the House, that he was glad that the Bill had passed. He was convinced that the clergy would think themselves well off if they got such a Bill next Session.

Colonel *Stawell* could state, from communication which he had received recently, that many of the clergy were anxious for the passing of the last Bill. He regretted that the Bill had been lost, as he thought it would have been a great advantage to the Established Church.

Colonel *Perceval*, in explanation, said, that an hon. Member (Mr. O'Reilly) having alluded to the fact of a number of the landed proprietors of Ireland having their properties mortgaged, rendered it necessary for him to say a few words. It was true a great many of the gentry were so circumstanced, but in the county which he had the honour to represent, there were a vast number of gentlemen who possessed great wealth, and who, fortunately for their country, resided on their estates. The county of Sligo was as peaceable as any part of England—there were no soldiers stationed within it, nor was it even asserted that the slightest disturbance existed there.

The Petition laid on the Table.

County Coroners.] A Conference was held with the Lords on the County Coroner's Bill, and a Report presented, stating, that the Lords insisted on their Amendment.

The reasons having been read by the Clerk,

Mr. *Cripps* moved they be agreed to.

Mr. *Warburton* opposed the proposition, and said, that it was his intention to move that the reasons of the Lords be taken into consideration on this day three months. He referred to a case in "Barnwall and Creswell's Reports," contending, that it had been misquoted and misunderstood, and that the question whether the Coroner's was an open or a close Court had never been brought before the Judges. He also read an opinion given by Sergeant Russell upon the same point, in which he argued upon the notoriety of the proceedings in the Coroner's Court, as a Court of Record from which the public could not be excluded. To the same effect had been the opinion of the Attorney-General. He admitted, that the House had placed itself in a difficulty by making the clause it had inserted, and which the Lords had struck out, enacting instead of declaratory. Had he had the framing of the clause, he should have worded it otherwise. On the whole it seemed much more expedient that the measure should be dropped for the present Session, and such would be the result if his Amendment were carried, than passed in its present imperfect state. It was quite clear, that the House ought not to give the go-by to the great principle involved in the question with the Lords. If the Court of the Coroner were a close Court, and if he could exclude the public at his pleasure, there was possibility that that office might be bribed either to screen the guilty, or to inculpate the innocent. In all these cases, the House would have to decide upon the balance of good and evil; and it seemed to him, that the evil which might possibly arise from making the Coroner's Court open, would be infinitely less than the good to be derived from the publicity of its proceedings. He moved, that the Lords' reasons be taken into consideration on this day three months.

The *Attorney General* regretted extremely that the Bill, after the minute consideration which it had undergone, should be allowed to drop; but, all circumstances considered, he was nevertheless disposed to support the Amendment of the hon. member for Bridport. The clause which had been struck out by the Lords involved matter of infinite importance, and it was the duty of the Legislature not to pass a Bill on the subject of Coroner's Courts without setting the question at rest, whether they were open Courts. In his opinion they were open Courts, Coroners having the power, on particular occasions, to close the Court, in the same way as Judges of other Courts of Record. A declaratory clause to that effect ought to be introduced, requiring at the same time, that the Coroner should Report to the Court of King's Bench or the Secretary of State what passed in his Court when the doors were shut, and the reasons which induced him to exclude the public on any particular occasion. He hoped the Bill would be introduced and considered next Session; he should then give all the assistance in his power to improve its provisions and accelerate its progress.

Lord *Granville Somerset* expressed his regret that the Bill should be thrown out.

Mr. *Cripps* had had many difficulties to contend with, and he could not help regretting, therefore, that all his pains would be thrown away, if the Amendment were carried. He felt satisfied, that the object of the Lords was, to prove that the Coroner's Court ought to be an open Court. His opinion, supported as it was by the opinion of the learned Attorney-General, was, that the Coroner's Court ought to be an open Court. Of course he was in the hands of the House, and whatever they might deem right he should at once bow to.

Motion and Amendment withdrawn, and the Report of the Conference was ordered to be taken into consideration that day three months.

STATE OF IRELAND—THE PEERS.] Mr. *Henry Grattan* rose to submit the Motion of which he had given notice—"That an humble Address be presented to his Majesty, praying that his Majesty, being pleased to take the affairs of Ireland into his most serious consideration, and the loss of life and calamitous consequences that have resulted from the various conflicts between the soldiery, the police, and the peasantry of Ireland, on the levying and collecting of tithes, may direct that the military force shall not in future be employed in that service." The hon. and learned Gentleman said, that having seriously considered the importance of the question, and the danger of exciting still more the angry feeling of the people of Ireland—a consequence which, probably, would ensue if a debate arose on the Motion of which he had given notice; considering also that so few Members remained, and so few Irish Members were present, he deemed it to be more prudent not to bring forward the Motion. At the same time, he could not but dispute the prudence of the House of Lords in rejecting the Bills of the Commons, though he admitted their right to do so. He reserved to himself the full scope on this subject, and in the next Session opportunities would occur of discussing the expediency of nullifying the proceedings of that House, and rejecting so many popular and salutary measures as the House of Lords, in the undoubted exercise of their constitutional rights, had thought proper to do. Their right was one thing: the expediency of exercising it, and thus going against the sense of the people, was another. For instance, the Dissenters' Bill, the Jewish Disabilities Bill, the Warwick Disfranchisement Bill, the Bath and Bristol Railroad Bill (or Irish Bill, it might be called), and last, though not least, the Irish Tithe Bill. In addition to the rejection of these, they had mutilated other measures—the Coroner's Bill, the Punishment of Death Bill, and the Bribery at Elections Bill. The allusion to the measure would rekindle great warmth, and possibly no public good would result from it, particularly in Ireland. He, therefore, felt it more advisable to sacrifice his feelings, and yield to the dictation of numbers, and to trust the cause of Ireland to the calmness and the cool forbearance to be exercised by the noble Lord, now at the head of his Majesty's Government, and to commit to his care the peace of Ireland and her real interests.

Motion withdrawn.

HOUSE OF LORDS,

Thursday, August 14, 1834.

MINUTES.] Bills. The Royal Assent was given by Commission to the following Bills:—Assessed Taxes' Relief; Exchequer Bills; Public Works'; Starch &c. Duties' Repeal; Spirit Duties'; Bank of England Debt; Poor-Laws' Amendment; Court of Chancery (Ireland); Payment of Creditors' (Scotland); Insolvent Debtors' (India).—Read a third time:—Church Temporalities' (Ireland); South Australia; Sale of Beer Act Amendment; Consolidated Fund; Burghs'; Royal Burghs' (Scotland); Registration of Voters'.—Read a second time:—Courts of Equity.

Petitions presented. By the LORD CHANCELLOR, from a Number of Places, for a great many different objects.

JOINT-STOCK BANKS.] Lord *Wharncliffe* wished to draw the attention of the noble Viscount opposite to a subject of considerable interest—he alluded to the establishment of Joint-stock Banks throughout the country. At the time when the measure authorizing the formation of such banks was under discussion, he understood that a deputation of bankers had waited on the Chancellor of the Exchequer, to inquire of him whether it was the intention of Government to regulate those new banks in such a manner as to require, that before they proceeded to do business a sufficient capital should have been paid up. The mode of proceeding was this:—A bank was advertised, with, say 700,000*l.* capital, whereas, in point of fact, not the one-tenth of that sum was subscribed. This was a delusion on the public. But, not satisfied with this, these joint-stock banks were establishing branch banks throughout the country, the effect of which was extremely detrimental to private banks which had been previously in existence; and he might add, to the business of the country generally. He understood, that at the interview to which he had alluded it was asked, whether Government meant to adopt any regulation to insure the sufficiency of the parent bank. Now, what he wished to know was, whether any regulation of that kind had been made, or was intended to be made, by Government,—a regulation that should make the branch banks stand upon the same footing of liability for their respective issues as the parent bank?

Viscount *Melbourne* said, he believed the system to which allusion had been made was not only injurious to other banks, but to the community at large. He was aware, that within the last month or six weeks symptoms of inconvenience had been manifested. But Government had not received any information that the circulating medium in the country had been increased by the issues of branch banks to any dangerous extent. Some regulation on the subject was, he conceived, necessary; but he was not prepared to say what that regulation should be. The subject was, certainly, one of importance, and the serious attention of Government should be directed to it during the recess.

APPELLATE JURISDICTION.] The *Lord Chancellor* rose to lay a Bill on their Lordships' Table relative to the Appellate Jurisdiction of that House, which he should have presented before, but for the extraordinary pressure of business. The object of the Bill was, to effect an alteration in the judicial system of their Lordships' House. The necessity for such an alteration did not arise from the judicial business being in arrear, for never, at any period, was there so little business in arrear as at present. He had offered every facility to all parties to hear their causes, and there was not then a single Irish or Scotch appeal in arrear, which was entered before the month of February last. Now, he had known the business of seven, eight, or nine Sessions to be in arrear. He had sat sixty days this Session, and had heard about sixty causes. Some of the English and Scotch Appeals were of very great importance, and involved points of great difficulty. One of them had occupied three or four days in the hearing. He was glad to say, that he had finished the case of "Lewes and Morgan," a very old case, and one which had been before their Lordships three or four times. It was not, therefore, on account of any arrear in that, nor was it on account of any fault on the part of the Court of Chancery, that an alteration was necessary. With respect to the Court of Chancery, scarcely any causes remained undecided there. He had sat for the last five weeks, indeed he might say for the last six or eight weeks, and there remained only six cases entered before the month of June, and seven or eight entered since the month of June. The necessity for an alteration rested, then, on a different foundation. The manner in which appeals were heard involved a very serious grievance, both as regarded the judicial character of their Lordships' House, and the interests of the suitors. When the first hearing of an appeal came on, two noble Lords sat and assisted at the opening; two others attended the hearing on the other side. On the third day two noble Lords, who had not been present before, came down and heard the reply. The cause was then set down for judgment; and in the fourth instance two noble Lords assisted at that judgment who had not heard the beginning, the middle, nor the end of the proceeding. Such a system was not in accordance with common decency either to noble Lords who were thus called in rotation to assist in appeal cases or to the suitors whose interests were to be considered, or to the House itself. The anomaly of appealing to the Chancellor in that House, with reference to causes which he had previously decided elsewhere, had so often been stated on various occasions that he need not go into great length on that point. He had now been sitting for the greatest part of this Session on English and Irish appeals, and he had been obliged to postpone for two Sessions several of those causes, because they were appeals from his own judgment. He was anxious to obtain the assistance of Lord Plunkett or the Lord Chief Baron; but as he could not procure their valuable aid, he was compelled to hear those appeals himself. There were fourteen or fifteen appeals in deciding which he wished to have that assistance; and of these ten or eleven were appeals from his own judgments. Now, he had not the least degree of bias in favour of any judgment that might have been given by himself; and if proper cause were shown, he would be ready to alter it. His affirming a judgment of his own in that House did not make the point right, if the decision were originally wrong. Professional men would see, and would mark the error. But what he looked to was this,—that by affirming a judgment he gave it the force of law, and nothing but an Act of Parliament could alter it. That being the case, he would ask, whether it was proper that an appeal should lie to any one single Judge? Whether, for the purpose of insuring a right decision, of commanding confidence in that decision, with reference to the suitor, the public, and the profession at large, and of obtaining uniformity in decision,—whether, for the attainment of these great purposes, it was not absolutely necessary that a Court of Appeal, consisting of more persons than one, should be established? The law assumed that such a court did exist, because it made all their Lordships hereditary Judges of Appeal. In common law cases they called in the Judges; but in equity cases, English, Scotch, and Irish, this was not the practice. The defect of the system might be proved by a single instance. Suppose a decision of the thirteen Judges of Scotland appealed against. It was taken from those persons who understood the Scotch law, and was to be adjudicated by a single individual, who perhaps was as ignorant of the law of Scotland as of the law of Japan. Was it likely that his unassisted decision could give satisfaction? There was much truth in the homely proverb, "Many heads are better than one." This was clearly borne out by the entire success of the judicial committee of the Privy Council. The second case tried before them would have been decided the other way if any one of those who formed the Committee had considered it alone. But the Judges laid their five heads together, and the consequence was, a unanimous judgment directly contrary to that which any one of them unassisted would have pronounced. These were his reasons for desiring some modification of the existing law. He would now allude to the difficulties which he had to overcome in effecting any such modifications. The first was the repugnance which he had naturally felt to alter the jurisdiction of their Lordships, and the next was the small number of Judges from whom he could select a certain number to hear appeals; for he held it to be indispensable that appeals should be decided by Judges taken from other Courts, and not by Judges appointed for the express purpose of deciding such cases, and forming a separate and exclusive tribunal. The example of France, where there were two Courts exclusively for hearing of appeals —namely, the Cour Royal and the Cour de Cassation—proved nothing, for there was such a vast number of inferior Judges in France (fourteen or fifteen hundred), and they were of such an inferior class that it would be most injudicious to call upon them to sit in appeal. He thought that Judges who were only Judges of Appeal would not be fit for anything. What would the Lord Chancellor be worth as a Judge, if he sat forty or fifty days in the year to hear appeals only, without being accustomed to the forensic *strepitus*, as it were, and without having heard the business done in the first instance, which afterwards became the subject of appeal? There never would be a Court of Appeal worth anything, unless the Judges composing it sat also in the Courts below. On the one hand, it was necessary that the Judges of the Court of Appeal should not be those whose decision was appealed against; and on the other, that they should be accustomed to preside in the Courts below. There was but one middle course to take, and that was judiciously to compose a due admixture of the various judges with those whose decisions were appealed against,—thus proceeding on the principle of analogy to the Courts of common law. When the Court of King's Bench, or the Court of Exchequer, or the Court of Common Pleas went wrong, an appeal was made to the other common law Judges; and so when all these Judges went wrong, an appeal took place to the House of Lords, which sent for the Judges; who intermixed with the equity Judges, and applied their minds to the subject. It was upon this principle that the judicial committee of the Privy council was constructed, and upon the same principle he would proceed in the change he was about to propose; and as in the former case the Royal prerogative was left untouched, so in the latter the jurisdiction of the House of Lords would remain unimpaired. The judicial Committee of the Privy Council consisted of Judges, selected by rotation, of whom there were never less than four present. They decided the appeal, and reported their decision to the Privy Council, where judgment was given by the King in Council precisely as before. This, he repeated, was the principle upon which his Bill proceeded. It would give their Lordships the power of calling for the services of the Judges in equity, and of directing any case in which an appeal might be resorted to, to be tried by a judicial Committee to be appointed under the Bill. This judicial Committee would pronounce its judgment in open court, which would be reported to the House, and then the House would pronounce its judgment in open court. The rights and dignity of their Lordships' House would be preserved inviolate as heretofore. He proposed that the Judicial Committee should always have presiding over it either the Lord Chancellor for the time being, or the Chief Justice of the King's Bench; or a new officer, a Vice-President, without salary, to be appointed by the Crown, and to hold rank next to the Privy Seal, and who must previously have filled the office of Lord Chancellor, or Lord Chief Justice of the King's Bench, or of the Common Pleas. The Vice-President, however, would only be called upon to act when the Lord Chancellor, or the Chief Justice of the King's Bench might be prevented from presiding in consequence of being engaged elsewhere. Thus, then, the judicial Committee of the House of Lords would consist of four Judges, who would be presided over by the actual or late Lord Chancellor, or the actual or late Chief Justice of the King's Bench, or of the Common Pleas. He wished it to be observed, that no part of their Lordships' jurisdiction would be taken away by the change which he proposed. He should, indeed, be sorry to see any measure adopted which could in the slightest degree operate to the disparagement of that House. He was always ready to bear testimony to the value of the House of Lords, which he considered an integral and necessary part of the constitution. No impartial man who had watched the proceedings of the last two years could have failed to perceive that if there had been no House of Lords, the House of Commons must have stopped its legislation, or if it had worked on, it would have been covered with blunders and absurdities. He spoke with all due respect for the House of Commons, for which he felt veneration. It was not their fault that they committed errors, they must of necessity do so. With the competition which prevailed amongst 658 men, who were constantly striving one with another, it was impossible that the details of measures could receive the same calm and deliberate attention which they obtained in their Lordships' House, where none of those distractions prevailed. The noble and learned Lord then adverted to what he called the notable clause in the Justice of the Peace Bill, which the Commons insisted upon retaining, as a proof of absurd legislation. Their Lordships had improved that and several other measures, and if when they had the knife in their hands cutting away the rotten parts, they should sometimes happen to go too far and cut off the head, of which there had been a recent example, allowance should be made for them. If a surgeon should cut too far, or not in the right direction, who would be so ridiculous as on that account to propose to blunt his knife, and prevent him from operating at all? Before he sat down he wished to state his reason for not proceeding with his Bill for separating the judicial and political functions of the Lord Chancellor. When he came to consider the subject at Easter, he found that he had no arrears of judicial business, and therefore he felt that with respect to that Bill, he had no ground to stand upon.

The Bill laid upon the Table, read a first time, and ordered to be printed.

* * *

HOUSE OF COMMONS,

Thursday, August 14, 1834.

MINUTES.] Petitions presented. By the LORD ADVOCATE, from Leith, against the Tithe of Fish.—By Mr. O'REILLY, from Dundalk, against their Magistrates, for not granting Retail Licences for the Sale of Spirits &c.—By Mr. BLAMIRE, from two Places, against the Spirit Duties' Bill.

COURT OF CHANCERY.] The *Attorney General* rose for the purpose of moving for certain returns from the Court of Chancery, the result of which he was sure would give the greatest satisfaction to that House and the country. It was of the greatest importance that the public should be correctly informed of the manner in which the judicial business of the country was disposed of; and even to the judges themselves it was but fair that a statement should be made, in order, if arrears existed, that a stimulus might be furnished; and if no arrears, that an estimate might be formed of the attention and energy which they had displayed. It gave him great pleasure to state, that in the Court of Chancery there were now no arrears subsisting, which he believed could never be so effectually said since the days of Sir Thomas More. Nor did this arise from any falling-off in the business of the court, because, in fact, it had been progressively increasing. Thus, in the three years, 1825, 1826, and 1827, Lord Eldon being Chancellor, 5,982 bills had been filed; in 1828, 1829, and 1830, Lord Lyndhurst being Chancellor, 6,231 were filed; and during the first three years, 1831, 1832, and 1833, that Lord Brougham had been Chancellor, the number of bills filed had increased to 7,180. With regard to appeals from the Master of the Rolls and Vice-Chancellor to the Lord High Chancellor, there had also been a similar increase. In 1825, 1826, and 1827, the appeals amounted to 131; in 1828, 1829, and 1830, to 145; and in 1831, 1832, and 1833, to 164. The House would, therefore, see that a considerable increase had taken place in the business of the Court of Chancery, both with respect to original bills filed, and the number of appeals which had been set down. Notwithstanding this, however, it would appear by the returns for which he was about to move, that although when the present Lord Chancellor came into office in November, 1830, 103 appeals remained undisposed of, constituting an actual arrear of rather more than the average of two years' business, yet at the close of the last sitting Lord Brougham left only thirty-five undisposed of, the earliest of which was set down on the 1st of February, 1834; so that, except two which had been abated in consequence of the death of parties, it might be said there was really no arrear whatever in the Court of Chancery. With respect to the House of Lords, the account would be equally satisfactory, for whatever hon. Members might think of their legislative labours during the present Session, the judicial proceedings of their Lordships merited great commendation. The number of appeals and writs of error had gone on regularly increasing, but there was now no case undisposed of where the appeal had been set down before the present Session of Parliament. In 1825, 1826, and 1827, the appeals to the House of Lords were 221; in 1828, 1829, and 1830, they were 214; while in 1831, 1832, and 1833, they amounted to 240. When the present Lord Chancellor came into office, ninety-four appeals were undecided; and at the present moment, only forty-four were undisposed of, the whole of which had been entered during the present Session, except two, which were adjourned at the request of parties. There was, in fact, then no arrear in the House of Lords. He trusted that this statement would be satisfactory; and he had no doubt the example thus furnished of attention and despatch in the highest tribunal would produce a salutary effect on all the inferior courts throughout the country. The hon. and learned Gentleman concluded by moving for a Return of the number of bills filed in the Court of Chancery, and appeals entered in the years 1825 to 1833 inclusive; together with the number of appeals undecided when the present Chancellor came into office, and of those undecided at the date of the last sitting.

Mr. *Hume* said, nothing could be more satisfactory than the statement which had been made by the hon. and learned Gentleman, as far as expedition was concerned; but there was another element of great importance in relation to legal proceedings—namely, expense, which he hoped would not be overlooked. He was glad to see that a clear and convincing statement had been made as to the despatch of the legal business of the country, in order to meet, in the most decided way, the representations which had been made upon the subject elsewhere; but he should be glad to know in what proportion the expenses of suitors had been reduced by the operation of the late Reform.

The *Attorney-General* said, the new system had only come into operation in November last, and it would be impossible to make out any comparative return of the expenses until the year was completed. At the same time, however, he could assure the House, that the suitors had derived the full benefit intended by the change, and many abuses under which they formerly laboured had now been entirely removed.

The Return was ordered.

INCENDIARISM.] Mr. *Aglionby* rose to call the attention of the noble Lord (Lord Althorp) to the case of an individual convicted at Warwick by Mr. Justice Taunton of setting fire to one or more stacks. He did not expect any remission of the sentence, nor was he aware that the case called for the clemency of his Majesty. Under all the circumstances of the case, he trusted, that though the person to whom he referred had been sentenced to endure the last penalty of the law, his Majesty's Government would see the propriety of not giving full effect to a sentence pronounced under a state of the law which attempts had been so often made to amend. The principle of a mitigation of the law had been fully recognized and sanctioned by that vote of the House in obedience to which the Bill was read a second time. He now much regretted that he had ever consented to withdraw the Bill; but, certainly, when he did so, it was in the full hope, that all cases, arising at the present assizes would have been viewed with leniency by the executive authority. He admitted, that no direct intimation had been given on the subject by the noble Lord opposite, but the silence of Ministers certainly led him to indulge such a hope. Feeling as he did a very painful solicitude on this matter, he begged to entreat to it the attention of the noble Lord.

Lord *Althorp* referred to the admission of the last speaker that Government had given no intimation as to what course they might think it proper to pursue with regard to such prisoners as might be tried and found guilty at the then ensuing assizes; he was clear in the opinion that nothing could be more unjust towards persons accused, or more injurious to society at large, than that the law should be rendered uncertain by any discussions that might take place in that House, and he had expressed himself to that effect in reference to the Bill to which the hon. and learned Gentleman had just been alluding. As to the possible effects of that Bill, the hon. and learned Gentleman might make himself perfectly easy, for, considering the time at which it passed its second reading, it was utterly impossible that it should be carried through both Houses, and receive the Royal assent in the present Session. The hon. Member seemed to take for granted, that if a Bill were read a second time, that proceeding on the part of the House amounted to a sanction of its principle; technically speaking, perhaps, that might be true, but in practice it was well known to hon. members that the House often gave a Bill a second reading, without, by any means, intending to assent to its principle. He could not help observing, that remarks, such as those of the hon. and learned Gentleman placed his Majesty's Government in a painful situation; but, however distressing to his feelings it might be, it was impossible for him to do otherwise than declare, that no consideration would lead him to be accessory to the practice of rendering the law uncertain by means of discussions arising in that House.

Mr. *Hume* said, that the object of all punishment was prevention, and that the most effectual mode of securing that object was, by causing penalties to accord with the feelings of the people, so that there should be no reluctance to prosecute, and by rendering them certain, unfailing, and expeditious. He regretted much that the Bill just mentioned had not passed into a law.

Mr. *Ewart* observed, that many petitions in favour of the Bill were presented in the course of the present Session from persons who had been sufferers from the offence the punishment for which it was the object of that Bill to mitigate.

Here the conversation dropped.

SALE OF BEER ACT AMENDMENT.] Lord Althorp moved, that the Amendments made by the Lords in the Sale of Beer Act Amendment Bill be agreed to.

On that Amendment relating to the power of visiting those Houses, with which constables were invested being read,

Mr. *Hume* protested against domiciliary visits, and said he should divide the House.

Lord *Althorp* said, he should have been better satisfied if the right of entry had been limited to one hour after the time appointed for shutting up the houses, still he should support the Amendment as it stood.

Mr. *Thomas Attwood* denounced the measure as tyrannical, as the result of old women's talk, or men like old women, who went up and down through the country circulating idle stories about drunkenness and immorality.

The House divided: Ayes 29; Noes 12—Majority 17.

List of the AYES.

Advocate, the Lord
Althorp, Lord
Ashley, Hon. H.
Attorney General, the

Baines, E.
Berkeley, Hon. C.
Blamire, W.
Brodie, W. B.
Childers, J. W.
Colborne, R.
Davies, Colonel
Elliot, Hon. G.
Howard, P. H.
Littleton, Right. Hon. E. J.
Maxwell, J.
North, F.
O'Grady, Hon. S.
Palmerston, Lord
Pinney, W.
Rice, Right Hon. T. S.
Ross, C.
Rolfe, R. M.
Scrope, G. P.
Sheppard, T.
Stanley, E. J.
Torrens, Colonel
Tracy, C. H.
Williams, T. P.
Wood, G. W.

TELLERS.

Baring, F.
Mackenzie, S.

List of the Noes.

Aglionby, H. A.
Carter, B.
Codrington, Sir E.
Ewart, W.
Hawes, B.
Hill, M.
O'Connor, F.
O'Reilly, W.
Phillips, M.
Potter, R.
Warburton, H.
Wilks, J.

TELLERS.

Attwood, T.
Hume, J.

The Amendments were agreed to.

HOUSE OF LORDS,

Friday, August 15, 1834.

Prorogation of Parliament.] His Majesty went this day in state to the House of Peers to prorogue the Parliament.

The Usher of the Black Rod having summoned the Commons, and

The *Speaker* having taken his place at the bar, addressed his Majesty to the following effect:—" May it please your Majesty, we, your Majesty's faithful Commons of the United Kingdom of Great Britain and Ireland, attend your Majesty with our last Bill of Supply.

" Sire, matters of the deepest moment to the country have pressed upon us during this long and laborious Session; and, amongst the most prominent, the Bill 'For the Amendment and better Administration of the laws relating to the Poor in England and Wales,' has almost, from the commencement to the close of the Session, occupied our unwearied attention. Sire, it was impossible for us to approach a subject of such infinite delicacy, and such immense importance, without much of apprehension, and I might say, much of alarm. The measure, in its effects upon the comforts, the industry, the morals, and the general welfare of the largest class of society, has, as it could not fail to do, attracted our most serious and most anxious consideration. And if, Sire, the results of this measure shall be in success proportionate to the laborious investigation it has undergone, both in and out of Parliament, we have to hope that its benefits will be as lasting as they will be grateful to all ranks and classes of society.

" Nor, Sire, have we been unmindful of the pressure of the public burthens. So far as the revenues of the country have allowed us to deal with that matter, we have reduced taxation. We have reduced the annual charge of the Four per Cent Annuities, and we have diminished, as compared with the last year, and as low as the exigencies of the respective services would admit, the several Estimates of the current year.

" Sire, we have laboured in the discharge of our duties with assiduity; and we trust we have discharged those duties with efficiency.

" Sire, the Bill which it is now my duty to present to your Majesty, is entitled, 'An Act to apply certain sums voted out of the Consolidated Fund, to the service of the year 1834, and to appropriate the Supplies granted in this Session of Parliament;' to which, with all humility, we pray your Majesty to give the Royal Assent."

The Royal Assent was given to the Bill; and to the Customs—Church Temporalities (Ireland)—Fines and Recoveries (Ireland)—Courts of Equity—Tithes Stay of Suits—Warrants of Distress (Ireland)—Sale of Beer—Burghs (Scotland)—Royal Burghs (Scotland)—Registration of Voters (Scotland) — Turnpike Road Acts (Ireland) Continuance — General Turnpike Act Amendment—Trading Associations—Letters Patent—and South Australia Bills.

His Majesty then delivered the following Speech.

My Lords and Gentlemen,

" The numerous and important questions which have in the present as in the two preceding years been submitted to your consideration, have imposed upon you the necessity of extraordinary exertions, and it is with a deep sense of the care and labour which you have bestowed upon the public business that I at length close this protracted Session, and release you from your attendance.

" I continue to receive from all Foreign

Powers, assurances of their friendly disposition.

" The negotiations, on account of which the conferences in London upon the affairs of the Low Countries were suspended, have not yet been brought to a close, and I have still to lament the continued postponement of a final settlement between Holland and Belgium.

" On the other hand, I have derived the most sincere and lively satisfaction from the termination of the civil war which had so long distracted the Kingdom of Portugal, and I rejoice to think that the treaty which the state of affairs in Spain and in Portugal induced me to conclude with the King of the French, the Queen Regent of Spain, and the Regent of Portugal, and which has already been laid before you, contributed materially to produce this happy result.

" Events have since occurred in Spain to disappoint, for a time, the hopes of tranquillity in that country, which the pacification of Portugal had inspired.

" To these events, so important to Great Britain, I shall give my most serious attention, in concert with France, and with the other Powers who are parties to the treaty of the 22nd of April; and the good understanding which prevails between me and my allies encourages me to expect that our united endeavours will be attended with success.

" The peace of Turkey remains undisturbed, and I trust that no event will happen in that quarter to interrupt the tranquillity of Europe.

" I have not failed to observe with approbation, that you have directed your attention to those domestic questions which more immediately affect the general welfare of the community, and I have had much satisfaction in sanctioning your wise and benevolent intentions by giving my Assent to the Act for the Amendment and better Administration of the Laws relating to the poor in England and Wales. It will be my duty to provide, that the authority necessarily vested in Commissioners nominated by the Crown be exercised with temperance and caution, and I entertain a confident expectation, that its prudent and judicious application, as well as the discreet enforcement of the other Provisions of the Act, will by degrees remedy the evils which at present prevail, and, whilst they elevate the character, will increase the comforts and improve the condition of my people.

" The Amendment of the Law is one of your first and most important duties, and I rejoice to perceive that it has occupied so much of your attention. The establishment of a Central Court for the trial of offences in the metropolis and its neighbourhood, will, I trust, improve the administration of justice within the populous sphere of its jurisdiction, and afford a useful example to every other part of the kingdom.

" To the important subject of our Jurisprudence and of our Municipal Corporations your attention will naturally be directed early in the next Session. You may always rest assured of my disposition to co-operate with you in such useful reformations.

" *Gentlemen of the House of Commons,*

" I thank you for the readiness with which you have granted the Supplies. The estimates laid before you were somewhat lower than those of former years, although they included several extraordinary charges, which will not again occur. The same course of economy will still be steadily pursued. The continual increase of theRevenue, notwithstanding the repeal of so many taxes, affords the surest proof that the resources of the country are unimpaired, and justifies the expectation, that a perseverance in judicious and well-considered measures will still further promote the industry and augment the wealth of my people.

" *My Lords and Gentlemen,*

" It gives me great gratification to believe, that on returning to your several counties, you will find a prevalence of general tranquillity and of active industry amongst all classes of society. I humbly hope, that Divine Providence will vouchsafe a continuance and increase of these blessings, and in any circumstances which may arise I shall rely with confidence upon your zeal and fidelity, and I rest satisfied, that you will inculcate and encourage that obedience to the laws, and that observance of the duties of religion and morality, which are the only secure foundations of the power and happiness of empires."

Then the Lord Chancellor, by his Majesty's command, said—

"*My Lords and Gentlemen*,

"It is his Majesty's Royal will and pleasure, that this Parliament be prorogued to Thursday, the 25th day of September next, to be then here holden; and this Parliament is accordingly prorogued to Thursday, the 25th day of September next."

His Majesty then withdrew, and their Lordships retired.

* * *

HOUSE OF COMMONS,

Friday, August 15, 1834.

COURT OF CHANCERY.] Mr. *Lynch* alluding to observations which had fallen from the Attorney-General on a former occasion upon a Motion relative to the business of the Court of Chancery, said, that the hon. and learned Gentleman had made comparisons between the amount of business done by the present Lord Chancellor and certain other Judges, which not only cast a reflection on the latter, but also on former Judges who had held the office of Lord Chancellor with the greatest credit to themselves and the administration of the country. Such observations had a very injurious tendency, and were calculated greatly to mislead the public. He must also complain of the incorrectness of certain statements made by his Majesty's Attorney-General, from which it would be inferred, there was no arrear of causes in the Court of Chancery, such was not the fact, there being a very considerable arrear of business that had not been disposed of.

The *Attorney-General* said, the facts he had mentioned to the House were founded upon the documents which had been regularly furnished to him, and of the correctness of which he could not entertain a doubt. He still believed what he had stated to be substantially true, namely, that in reality there was no arrear of causes to be heard in the Court of Chancery. He was still of that opinion, as he had heard nothing to gainsay it. The hon. Member from his experience in the Court of Chancery as a barrister, must be fully aware of the truth of such a statement to a certain extent; but for his own part, he did not believe, that for a century there had been so small an arrear of business in the Lord Chancellor's Court. There were probably some matters that were not finally disposed of, or stood over for some reason or other; but he asserted, that the diminution of arrears he had stated was substantially true.

Mr. *Lynch* declared there were upwards of 200 cases undisposed of, and when the Vice-Chancellor's Bill passed the arrear was only 214.

The *Attorney-General* again said, he believed the returns he had quoted to be essentially true. He must also most unequivocally deny that he had cast any reflection on the other Judges of the Court by the observations he had made with reference to the business before the Lord Chancellor. So far from entertaining any feeling of that description, he believed the other Judges had discharged their duties with the greatest assiduity, and that their exertions merited the highest praise he could bestow.

The conversation then dropped.

LORD ELLENBOROUGH.] Mr. *Ruthven* said, he wished to give notice of a Motion to be submitted early next Session, which deeply implicated Lord Ellenborough. It was that he, a Peer of the Realm, in his capacity as Clerk of the Court of King's Bench, had applied to his own use sums of money, and interests of sums of money, which it was his duty to have placed to the credit of the public.

Mr. Secretary *Rice* thought the hon. Gentleman was really going a little too far. He might give his notice generally, but he certainly had no right to put it in a shape which conveyed a serious moral imputation upon a man's character. The latter part of the notice imputed that which, if untrue, was a most cruel outrage upon a man's feelings: and which, if true, ought to be met at once. To lay him under such an accusation for six months, without the opportunity of rebutting it, was anything but fair dealing. He hoped the Order-book of the House of Commons would never be turned to any such unjust purpose. What, on the last day of the Session to charge an individual with an indictable offence, and in the same breath tell him he should not have the opportunity of purging himself of such charge for months and months! He appealed to the hon. Gentleman's own feelings, would he like such justice to be meted out to him? On behalf of the House itself he (Mr. Rice) would object to the printing of any such notice; but let it be altered so as to carry a general character with it, and he would at once withdraw his opposition.

Mr. *Hume* said, it was true, that the noble Lord had applied the money; but then, in the evidence upon the Table, he had accounted how he had done so. The notice ought certainly to be given in a general way, or not at all.

Mr. *Hill* would take upon himself to state, as one of the parties in the inquiry, that the noble Lord's conduct had been as upright and as honourable as any man's could be.

Mr. *Ruthven* said, the allegation was, that the noble Lord had applied to his own use the interest on Exchequer Bills, which belonged solely to the public. He would, however, strike out the objectionable part of his notice.

Mr. *Spring Rice* said, if the notice were one as to the emoluments of the office held by Lord Ellenborough, no one would object to it.

Mr. *George F. Young* thought, that it would be gross injustice to the noble Lord, or to any man, to let such a notice stand upon the Books of the House. Surely the hon. Member would not persist in such a course.

Lord *Althorp* said, he was the last man to oppose inquiry into the conduct of any public functionary who might be supposed to have misbehaved himself. But, then, there was a just way of causing that inquiry. If the hon. member for Dublin thought there had been wrong done to the public, he was not only justified in demanding inquiry, but he would desert his own duty if he did not demand it. Let him not, however, implicate a man's character and at the same time say to him, "You shan't for six months have an opportunity of defending it." The notice, in his opinion, ought to be framed so as to carry no implication.

Motion withdrawn.

PROROGATION.] The attendance of the Commons upon his Majesty was commanded. The Speaker, accompanied by a considerable body of Members, obeyed the Summons, and on his return read the Speech of his Majesty, Proroguing the Parliament, to the House. The right hon. Gentleman and the Members then withdrew.

☞ His Majesty having dismissed the Ministry on Nov. 14th, this Parliament was dissolved by Proclamation on Dec. 29th, and a new one summoned, for Feb. 19th, 1835.

END OF VOL. XXV.—THIRD SERIES,

AND OF

FIFTH (AND LAST) VOL. OF SESS. 1834.

APPENDIX.

FINANCE ACCOUNTS,

Class I *to* VIII,

OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,

For the Year ended 5th January, 1834.

CLASS.

- I. - - - PUBLIC INCOME.
- II. - - - PUBLIC EXPENDITURE.
- III. - - - CONSOLIDATED FUND.
- IV. - - - FUNDED DEBT.
- V. - - - UNFUNDED DEBT.
- VI. - - - DISPOSITION OF GRANTS.
- VII. - - - ARREARS AND BALANCES.
- VIII. - - - TRADE AND NAVIGATION.

An Account of the ORDINARY REVENUES and EXTRAORDINARY RESOURCES, consti-
IRELAND; for the Year

N.B.—This Account is formed by adding the Totals of the Account for Great

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties in the Nature of Drawbacks, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	*£.*	*s.*	*d.*	*£.*	*s.*	*d.*	*£.*	*s.*	*d.*
CUSTOMS	18,575,182	15	9¾	765,830	0	7¼	17,809,352	15	2½
EXCISE	18,658,037	2	0	904,624	19	10½	17,753,412	2	1½
STAMPS (including Hackney Coach, and Hawkers and Pedlars' Licenses)	7,414,891	2	2¼	284,508	2	0	7,130,383	0	2¼
TAXES, under the Management of the Commissioners of Stamps and Taxes	5,116,754	10	5	5,684	4	2¼	5,111,070	6	2¾
POST OFFICE	2,294,911	7	8	104,729	16	10½	2,190,181	10	9½
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	28,769	6	1	-	-	-	28,769	6	1
Crown Lands	424,553	3	2½	-	-	-	424,553	3	2½
Small Branches of the King's Hereditary Revenue	28,804	3	4	-	-	-	28,804	3	4
Surplus Fees of Regulated Public Offices	26,183	8	2	-	-	-	26,183	8	2
Poundage Fees, Pells' Fees, Casualties, and Treasury Fees in Ireland	3,029	16	0½	-	-	-	3,029	16	0½
TOTALS of Ordinary Revenues	52,571,116	14	11	2,065,377	3	6½	50,505,739	11	4½
Extraordinary Resources.									
Money received from the East-India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0	-	-	-	60,000	0	0
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	15,610	10	0¼	-	-	-	15,610	10	0¼
Money received from the Bank of England on account of Unclaimed Dividends	25,115	14	8	-	-	-	25,115	14	8
TOTALS of the Public Income of the United Kingdom	52,671,842	19	7¼	2,065,377	3	6½	50,605,465	16	0¾

tuting the PUBLIC INCOME of the UNITED KINGDOM of GREAT BRITAIN and ended 5th January, 1834.

Britain to the Totals of the Account for Ireland—for which Accounts see *infra.*

TOTAL INCOME, including BALANCES.			TOTAL PAYMENTS out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1834.			TOTAL DISCHARGE of the INCOME.			Rate per cent for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
18,348,229	9	1¾	1,685,508	0	0¼	16,208,940	8	6¼	453,781	0	7¼	18,348,229	9	1¾	7	9	3
18,403,669	4	11½	1,200,011	16	5	16,543,711	14	4¼	659,945	14	2¼	18,403,669	4	11½	5	15	7¾
7,391,972	14	4	187,161	15	4	6,928,309	16	11	276,501	2	1	7,391,972	14	4	2	10	5¾
5,383,570	14	6	264,018	4	3¼	4,892,058	9	7½	227,494	0	7¼	5,383,570	14	6	4	14	7¾
2,356,975	16	0¼	671,785	9	3¼	1,513,800	0	0	171,390	6	9	2,356,975	16	0¼	27	14	11
30,568	8	6	522	15	5	28,998	12	0	1,047	1	1	30,568	8	6	1	16	3½
512,416	17	3¾	395,534	0	11½	-	-	-	116,882	16	4¼	512,416	17	3¾	6	11	11½
29,245	9	2	3,529	2	3	25,567	18	4	148	8	7	29,245	9	2	—		
26,183	8	2	-	-	-	26,183	8	2	-	-	-	26,183	8	2	—		
3,029	16	0½	-	-	-	3,029	16	0½	-	-	-	3,029	16	0½	—		
52,485,861	18	1¾	4,408,071	3	11¼	46,170,600	3	11½	1,907,190	10	3	52,485,861	18	1¾	6	15	5½
60,000	0	0	-	-	-	60,000	0	0	-	-	-	60,000	0	0	—		
15,610	10	0¼	-	-	-	15,610	10	0¼	-	-	-	15,610	10	0¼	—		
25,115	14	8	-	-	-	25,115	14	8	-	-	-	25,115	14	8	—		
52,586,588	2	10	4,408,071	3	11¼	46,271,326	8	7¾	1,907,190	10	3	52,586,588	2	10	—		

An Account of the ORDINARY REVENUES and EXTRAORDINARY RE-
the Year ended

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties in the Nature of Drawbacks, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS	17,063,481	5	10¾	757,573	16	3¼	16,305,907	9	7½
EXCISE	16,706,722	4	10	896,275	1	10¼	15,810,447	2	11¾
STAMPS (including Hackney Coach, and Hawkers' Licenses)	6,952,359	19	7½	275,627	5	3½	6,676,732	14	4
TAXES, under the Management of the Commissioners of Taxes	5,116,754	10	5	5,684	4	2¼	5,111,070	6	2¾
POST OFFICE	2,062,839	7	8½	83,605	9	4½	1,979,233	18	4
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	28,769	6	1	-	-	-	28,769	6	1
Crown Lands	424,553	3	2½	-	-	-	424,553	3	2½
Small Branches of the King's Hereditary Revenue	28,804	3	4	-	-	-	28,804	3	4
Surplus Fees of Regulated Public Offices	26,183	8	2	-	-	-	26,183	8	2
TOTALS of Ordinary Revenues	48,410,467	9	3¼	2,018,765	16	11¾	46,391,701	12	3½
Extraordinary Resources.									
Money received from the East-India Company on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0	-	-	-	60,000	0	0
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	5,821	16	1¾	-	-	-	5,821	16	1¾
Money received from the Bank of England, on account of Unclaimed Dividends	25,115	14	8	-	-	-	25,115	14	8
TOTALS of the Public Income of Great Britain	48,501,405	0	1	2,018,765	16	11¾	46,482,639	3	1¼

SOURCES, constituting the PUBLIC INCOME of GREAT BRITAIN, for
5th January, 1834.

TOTAL INCOME, including BALANCES.			TOTAL PAYMENTS out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1834.			TOTAL DISCHARGE of the INCOME.			Rate per cent. for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
16,763,832	14	7¼	1,421,372	7	11½	14,946,990	7	9¼	395,469	18	10½	16,763,832	14	7¼	6	13	6¼
16,436,821	3	3½	972,748	14	7	14,840,962	7	11½	623,110	0	9	16,436,821	3	3½	5	6	8½
6,922,830	2	2¾	163,033	13	2	6,498,687	1	2	261,109	7	10¾	6,922,830	2	2¾	2	6	10¾
5,383,570	14	6	264,018	4	3¼	4,892,058	9	7½	227,494	0	7¼	5,383,570	14	6	4	14	7¾
2,101,517	15	7	587,763	19	3¼	1,386,000	0	0	127,753	16	3¾	2,101,517	15	7	26	15	10¾
30,568	8	6	522	15	5	28,998	12	0	1,047	1	1	30,568	8	6	1	16	3½
512,416	17	3¾	395,534	0	11½	-	-	-	116,882	16	4¼	512,416	17	3¾	6	11	11½
29,245	9	2	3,529	2	3	25,567	18	4	148	8	7	29,245	9	2		—	
26,183	8	2	-	-	-	26,183	8	2	-	-	-	26,183	8	2		—	
48,206,986	13	4¼	3,808,522	17	10½	42,645,448	5	0¼	1,753,015	10	5½	48,206,986	13	4¼	6	4	8
60,000	0	0	-	-	-	60,000	0	0	-	-	-	60,000	0	0		—	
5,821	16	1¾	-	-	-	5,821	16	1¾	-	-	-	5,821	16	1¾			
25,115	14	8	-	-	-	25,115	14	8	-	-	-	25,115	14	8		—	
48,297,924	4	2	3,808,522	17	10½	42,736,385	15	10	1,753,015	10	5½	48,297,924	4	2		—	

An Account of the ORDINARY REVENUES and EXTRAORDINARY for the Year ended

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Drawbacks, Discounts, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS	1,511,701	9	11	8,256	4	4	1,503,445	5	7
EXCISE	1,951,314	17	2	8,349	18	0¼	1,942,964	19	1¾
STAMPS	462,531	2	6¾	8,880	16	8½	453,650	5	10¼
POST OFFICE	232,071	19	11½	21,124	7	6	210,947	12	5½
Poundage Fees, Pells' Fees, Casualties, and Treasury Fees	3,029	16	0½	-	-	-	3,029	16	0½
TOTALS of Ordinary Revenues	4,160,649	5	7¾	46,611	6	6¾	4,114,037	19	1
Other Resources.									
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	9,788	13	10½	-	-	-	9,788	13	10½
TOTALS of the Public Income of Ireland	4,170,437	19	6¼	46,611	6	6¾	4,123,826	12	11½

RESOURCES, constituting the PUBLIC INCOME of IRELAND, 5th January, 1834.

TOTAL INCOME, including BALANCES.			TOTAL PAYMENTS out of the Income, in its Progress to the Exchequer			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1834.			TOTAL DISCHARGE of the INCOME.			Rate per cent for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1,584,396	14	6½	264,135	12	0¾	1,261,950	0	9	58,311	1	8¾	1,584,396	14	6½	16	6	11
1,966,848	1	8	227,263	1	10	1,702,749	6	4¾	36,835	13	5¼	1,966,848	1	8	9	12	2¼
469,142	12	1¼	24,128	2	2	429,622	15	9	15,391	14	2¼	469,142	12	1¼	5	4	4
255,458	0	5¼	84,021	10	0	127,800	0	0	43,636	10	5¼	255,458	0	5¼	36	4	1
3,029	16	0½	-	-	-	3,029	16	0½	-	-	-	3,029	16	0½	—		
4,278,875	4	9½	599,548	6	0¾	3,525,151	18	11¼	154,174	19	9½	4,278,875	4	9½	13	0	10¾
9,788	13	10½	-	-	-	9,788	13	10½	-	-	-	9,788	13	10½	—		
4,286,663	18	8	599,548	6	0¾	3,534,940	12	9¾	154,174	19	9½	4,288,663	18	8	—		

An Account of the TOTAL INCOME of the REVENUE of GREAT BRITAIN and Allowances, Discounts, Drawbacks, and Bounties of the nature of Drawbacks; Kingdom, exclusive of the Sums applied to the Re-

HEADS OF REVENUE.	NETT RECEIPT as stated in Account of Public Income.			——		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.
Balances and Bills outstanding on 5th January, 1833	-	-	-	1,980,122	6	9¼
Customs	17,809,352	15	2½			
Excise	17,753,412	2	1½			
Stamps (including Hackney Coach, and Hawkers' and Pedlars' Licenses)	7,130,383	0	2¼			
Taxes, under the Management of the Commissioners of Taxes	5,111,070	6	2¾			
Post Office	2,190,181	10	9½			
One Shilling in the Pound and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	28,769	6	1			
Crown Lands	424,553	3	2½			
Small Branches of the King's Hereditary Revenue	28,804	3	4			
Surplus Fees of Regulated Public Offices	26,183	8	2			
Poundage Fees, Pells' Fees, Casualties, and Treasury Fees in Ireland	3,029	16	0½			
				50,505,739	11	4½
				52,485,861	18	1¾
Deduct Balances and Bills outstanding on 5th January, 1834				1,907,190	10	3
TOTAL Ordinary Revenue				50,578,671	7	10¾
Other Resources.	£.	s.	d.			
Money received from the East-India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0			
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	15,610	10	0¼			
Money received from the Bank of England on account of Unclaimed Dividends	25,115	14	8			
				100,726	4	8¼
				50,679,397	12	7
Balances in the hands of Receivers, &c. on 5th January, 1833				1,980,122	6	9¼
Ditto on 5th January, 1834				1,907,190	10	3
Balances less in 1834 than in 1833				72,931	16	6¼
Surplus Income paid into the Exchequer over Expenditure issued thereout				1,513,083	11	6½
Actual Excess of Income over Expenditure				1,440,151	15	0¼

IRELAND, in the Year ended 5th January, 1834, after deducting the Repayments, together with an Account of the PUBLIC EXPENDITURE of the United duction of the National Debt within the same Period.

EXPENDITURE.	—			—		
PAYMENTS OUT OF THE INCOME in its progress to the Exchequer:	*£.*	*s.*	*d.*	*£.*	*s.*	*d.*
Charges of Collection	3,560,693	4	4¾			
Other Payments	847,377	19	6½			
TOTAL Payments out of the Income, in its progress to the Exchequer				4,408,071	3	11¼
FUNDED DEBT:						
Interest and Management of the Permanent Debt	24,270,049	16	8¾			
Terminable Annuities	3,472,688	14	7¾			
Total Charge of the Funded Debt, exclusive of *£*.5,977 4*s.* 3*d.* the Interest on Donations and Bequests	27,742,738	11	4½			
UNFUNDED DEBT:						
Interest on Exchequer Bills	779,769	1	6			
				28,522,507	12	10½
Civil List	510,000	0	0			
Pensions	509,163	17	10¾			
Salaries and Allowances	132,068	7	0			
Diplomatic Salaries and Pensions	211,696	11	11			
Courts of Justice	377,966	6	9			
Miscellaneous Charges on the Consolidated Fund	205,086	13	11			
Mint Establishment	14,534	10	0			
Bounties granted for the encouragement of Hemp and Flax in Scotland, per Act 27 Geo. 3, c. 13, s. 65	2,956	13	8			
				1,963,473	1	1¾
				34,894,051	17	11½
Army	6,590,061	18	8¼			
Navy	4,360,235	6	3			
Ordnance	1,314,806	0	0			
Miscellaneous, chargeable upon the Annual Grants of Parliament	2,007,158	18	1¾			
				14,272,262	3	1
				49,166,314	1	0½
Surplus of Income paid into the Exchequer over Expenditure issued thereout				1,513,083	11	6½
				50,679,397	12	7

An Account of the Nett PUBLIC INCOME of the United Kingdom of GREAT
EXPENDITURE thereout, defrayed by the several Revenue Departments,
Sums applied to the Redemption of Funded, or for paying off Un-

INCOME.	Applicable to the Consolidated Fund.			Applicable to the Public Service.			Income paid into the Exchequer.		
ORDINARY REVENUES AND RECEIPTS.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	12,798,917	13	1¾	3,410,022	15	4½	16,208,940	8	6¼
Excise	16,543,711	14	4¼	-	-	-	16,543,711	14	4¼
Stamps	6,928,309	16	11	-	-	-	6,928,309	16	11
Taxes	4,892,058	9	7½	-	-	-	4,892,058	9	7½
Post Office	1,513,800	0	0	-	-	-	1,513,800	0	0
One Shilling and Sixpence, and Four Shillings on Pensions and Salaries	28,998	12	0	-	-	-	28,998	12	0
Small Branches of the King's Hereditary Revenues	25,567	18	4	-	-	-	25,567	18	4
Surplus Fees of regulated Public Offices	26,183	8	2	-	-	-	26,183	8	2
Poundage Fees, Pells' Fees, &c. in Ireland	3,029	16	0½	-	-	-	3,029	16	0½
TOTAL Ordinary Revenue	42,760,577	8	7	3,410,022	15	4½	46,170,600	3	11½
OTHER RECEIPTS.									
Imprest and other Monies	15,561	5	7¼	49	4	5	15,610	10	0¼
Monies received from the East-India Company	-	-	-	60,000	0	0	60,000	0	0
Money received from the Bank of England, on account of Unclaimed Dividends	-	-	-	25,115	14	8	25,115	14	8
	42,776,138	14	2¼	3,495,187	14	5½	46,271,326	8	7¾

BRITAIN and IRELAND, in the Year ended 5th January, 1834, after abating the and of the Actual Issues or Payments within the same Period, exclusive of the funded Debt, and of the Advances and Repayments for Local Works, &c.

EXPENDITURE.				Nett Expenditure.		
	£.	s.	d.	£.	s.	d.
FUNDED DEBT.						
Interest and Management of the Permanent Debt	24,270,049	16	8¾			
Terminable Annuities	3,472,688	14	7¾			
Total Charge of the Funded Debt, exclusive of 5,977*l.* 4*s.* 3*d.* the Interest on Donations and Bequests	27,742,738	11	4½			
UNFUNDED DEBT.						
Interest on Exchequer Bills	779,769	1	6	28,522,507	12	10½
Civil List	510,000	0	0			
Pensions	509,163	17	10¾			
Salaries and Allowances	132,068	7	0			
Diplomatic Salaries and Pensions	211,696	11	11			
Courts of Justice	377,966	6	9			
Miscellaneous Charges on the Consolidated Fund	205,086	13	11			
Mint Establishment	14,534	10	0			
Bounties granted for the encouragement of Hemp and Flax in Scotland, per Act 27 Geo. 3, c. 13, s. 65	2,956	13	8	1,963,473	1	1¾
				30,485,980	14	0¼
Army	6,590,061	18	8¼			
Navy	4,360,235	6	3			
Ordnance	1,314,806	0	0			
Miscellaneous, chargeable upon Annual Grants of Parliament	2,007,158	18	1¾	14,272,262	3	1
				44,758,242	17	1¼
Surplus of Income over Expenditure				1,513,083	11	6½
				46,271,326	8	7¾

An Account of the BALANCES of PUBLIC MONEY remaining in the EXCHEQUER
or UNFUNDED DEBT, in the Year ended 5th January, 1834; the Money ap-
the Total Amount of Advances and Repayments on account
and the Balances in the Ex-

	£.	s.	d.	£.	s.	d.
Balances in the Exchequer on 5th January, 1833				4,688,647	12	3¼
MONEY RAISED In the Year ended 5th January, 1834, by the creation of Unfunded Debt:						
Exchequer Bills, per Act 2 & 3 Will. 4, c. 94	2,980,200	0	0			
Ditto - - - 3 Will. 4, c. 2	12,000,000	0	0			
Ditto - - - 3 & 4 Will. 4, c. 25	12,222,400	0	0			
Ditto - - - 2 & 3 Will. 4, c. 126	679,000	0	0			
For building Churches, per Act 5 Geo. 4, c. 103	40,000	0	0			
For Public Works, &c. per Act 1 & 2 Will. 4, c. 24	384,100	0	0			
Ditto in Ireland - - - - - - - c. 33	91,500	0	0			
For Relief to Sufferers in the West India Islands, per Act 2 & 3 Will. 4, c. 125	207,950	0	0			
				28,605,150	0	0
Surplus of Income over Expenditure				1,513,083	11	6½
				34,806,881	3	9¾

on the 5th January, 1833; the amount of Money raised by the Additions to the FUNDED
plied towards the Redemption of the Funded, or paying off Unfunded Debt;
of Local Works, &c. with the Difference accruing thereon;
chequer on 5th January, 1834.

ISSUED TO The Commissioners for the Reduction of the National Debt, to be applied to the Redemption of Funded Debt:	£.	s.	d.	£.	s.	d.
By Issues per Act 10 Geo. 4, c. 27	1,017,806	12	0			
By Interest on Donations and Bequests	5,977	4	3			
	1,023,783	16	3			
Deduct the Sum applied not in the Redemption of Funded Debt, but in the Redemption of Consolidated Fund Deficiency Bills	225,000	0	0			
				798,783	16	3
Paymasters of Exchequer Bills for the Payment of Unfunded Debt				28,364,750	0	0
The Total Amount of Advances for the Employment of the Poor, and for Local Works, within the year	1,204,988	4	3			
Ditto - - - Repayments for ditto - - ditto	505,039	17	11			
Excess of Advances over Repayments				699,948	6	4
By Balances in the Exchequer on 5th January, 1834				4,943,399	1	2¾
				34,806,881	3	9¾

An Account of the Income of the CONSOLIDATED FUND arising in the United on account of the CONSOLIDATED

	£.	s.	d.
The Total Income applicable to the Consolidated Fund	42,776,138	14	2¼
Add the Sum repaid to the Consolidated Fund on account of Advances for Public Works, &c.	317,100	11	3
	43,093,239	5	5¼

An Account of the MONEY applicable to the Payment of the CONSOLIDATED several CHARGES which have become due thereon, in the same year; Fund, at the commencement and

	£.	s.	d.	£.	s.	d.
Income arising in Great Britain				39,278,865	7	11½
Income arising in Ireland	3,814,373	17	5¾			
Add the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January 1833	456,805	9	0¼			
	4,271,179	6	6			
Deduct the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January, 1834	341,554	0	1½			
				3,929,625	6	4½
Total Sum applicable to the Charge of the Consolidated Fund, in the Year ended 5th January, 1834				43,208,490	14	4
Exchequer Bills to be issued to complete the Payment of the Charge, to 5th day of January, 1834				4,846,149	3	4¾
				48,054,639	17	8¾

Kingdom, in the Year ended 5th January, 1834; and also of the Actual Payments Fund within the same period.

HEADS OF PAYMENT.	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 10th October, 1833	28,766,522	7	7½
Interest upon Exchequer Bills issued upon the Credit of the Consolidated Fund	56,172	9	7
Civil List, 4 Quarters to 31st December 1833	510,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 10th October, 1833	509,163	17	10¾
Salaries and Allowances - do.	132,068	7	0
Officers of the Courts of Justice - do.	377,966	6	9
Diplomatic Salaries and Pensions - do.	211,696	11	11
Expenses of the Mint - do.	14,534	10	0
Bounties - do.	2,956	13	8
Miscellaneous - do.	205,086	13	11
Advances out of the Consolidated Fund in Ireland, for Public Works	521,438	4	3
	31,307,606	2	7¼
Surplus of the Consolidated Fund	11,785,633	2	10
	43,093,239	5	5¼

FUND of the United Kingdom, in the Year ended 5th January, 1834, and of the including the Amount of Exchequer Bills charged upon the said at the termination of the Year.

HEADS OF CHARGE.	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 5th January, 1834	29,045,000	6	6¼
Interest on Exchequer Bills issued upon the credit of the Consolidated Fund	58,564	13	7
Civil List, 4 Quarters to 31st December 1833	510,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 5th January, 1834	507,975	6	7½
Salaries and Allowances - do.	138,953	6	2
Officers of Courts of Justice - do.	390,883	5	4½
Diplomatic Salaries and Pensions - do.	203,510	0	0
Expenses of the Mint - do.	14,534	10	0
Bounties - do.	2,956	13	8
Miscellaneous - do.	201,821	9	4
Advances out of the Consolidated Fund in Ireland, for Public Works	521,438	4	3
	31,595,637	15	6¼
Exchequer Bills issued to make good the charge of the Consolidated Fund, to 5th January, 1833	5,001,137	16	9½
	36,596,775	12	3¾
Surplus of the Consolidated Fund	11,457,864	5	5
	48,054,639	17	8¾

An Account of the State of the PUBLIC FUNDED DEBT of Great Bri-

DEBT.

—	1. CAPITALS.			2. CAPITALS transferred to the Commissioners.			3. CAPITALS UNREDEEMED.		
GREAT BRITAIN.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Debt due to the South Sea Company - - at £3. per cent	3,662,784	8	6½	-	-	-	3,662,784	8	6½
Old South Sea Annuities - do.	3,497,870	2	7	-	-	-	3,497,870	2	7
New South Sea Annuities - do.	2,460,830	2	10	-	-		2,460,830	2	10
South Sea Annuities, 1751 - do.	523,100	0	0	-	-	-	523,100	0	0
Debt due to the Bank of England do.	14,686,800	0	0	-	-	-	14,686,800	0	0
Bank Annuities, created in 1726 do.	849,144	0	0	444	1	0	848,699	19	0
Consolidated Annuities - - do.	347,389,429	3	0¼	748,923	9	0	346,640,505	14	0¼
Reduced Annuities - - - do.	123,664,029	3	6	812,978	17	6	122,851,050	6	0
Total at £.3 per cent	496,733,987	0	5¾	1,562,346	7	6	495,171,640	12	11¾
Annuities - - at 3½ per cent, 1818...	12,218,850	12	1	316	4	7	12,218,534	7	6
Reduced Annuities - - do.	62,851,418	1	4	9,118	19	9	62,842,299	1	7
New 3½ per cent Annuities	137,488,501	10	3	8,088	14	3	137,480,412	16	0
Annuities created 1826, at 4 per cent ...	10,708,964	0	0	-	-	-	10,708,964	0	0
New 5 per cent Annuities	462,736	13	4	-	-	-	462,736	13	4
Great Britain	720,464,457	17	5¾	1,579,870	6	1	718,884,587	11	4¾
In IRELAND.									
Irish Consolidated £.3 per cent Annuities	2,847,917	10	7	-	-	-	2,847,917	10	7
Irish Reduced - - - do.	149,255	0	2	-	-	-	149,255	0	2
£.3½ per cent Debentures and Stock ...	14,407,957	13	1	-	-	-	14,407,957	13	1
Reduced £.3½ per cent Annuities.........	1,173,346	0	8	-	-	-	1,173,346	0	8
New 3½ per cent Annuities..................	11,558,389	2	6	-	-	-	11,558,389	2	6
Debt due to the Bank of Ireland at £.4 per cent	1,615,384	12	4	-	-	-	1,615,384	12	4
New £.5 per cent Annuities.........	6,661	1	0	-	-	-	6,661	1	0
Debt due to the Bank of Ireland at £.5 per cent	1,015,384	12	4	-	-	-	1,015,384	12	4
Ireland	32,774,295	12	8	-	-	-	32,774,295	12	8
Total United Kingdom ...	753,238,753	10	1¾	1,579,870	6	1	751,658,883	4	0¾

The Act 10 Geo. 4, c. 27, which came into operation at the 5th July, 1829, enacts, That the Sum thenceforth annually applicable to the Reduction of the National Debt of the United Kingdom shall be the Sum which shall appear to be the amount of the whole actual annual surplus Revenue, beyond the Expenditure of the said United Kingdom; and the following Sums have been accordingly received by the Commissioners, to be applied to the reduction of the said Debt, including Sums on account of Donations and Bequests, viz.:—

ON ACCOUNT OF

—	The Sinking Fund.			Donations and Bequests.		
Applicable between	£.	s.	d.	£.	s.	d.
5th April and 5th July, 1833..................................	153,689	14	8	1,058	8	3
5th July and 10th October, 1833	371,785	15	4	4,028	13	7
10th October, 1833, and 5th January, 1834..................	375,483	4	8	3	5	5
5th January and 5th April, 1834	359,483	8	7	3,096	13	6
	1,260,442	3	3	8,187	0	9

TAIN and IRELAND, and the CHARGE thereupon, at the 5th January, 1834.

CHARGE.

—			IN GREAT BRITAIN.			IN IRELAND.			TOTAL ANNUAL CHARGE.		
			£.	s.	d.	£.	s.	d.	£.	s.	d.
Due to the Public Creditor.		Annual Interest on Unredeemed Capital	22,745,588	4	7¼	1,155,522	1	10¾			
		Long Annuities, expire 1860	1,192,666	4	0	73	19	3			
		Annuities per 4 Geo. IV. c. 22, do. 1867	585,740	0	0	—					
		Annuities per 10 Geo IV. c. 24, expire at various periods	960,012	12	0	—					
		Annuities to the Trustees of the Waterloo Subscription Fund per 59 Geo. III. c. 34, expire 5th July, 1834	6,300	0	0	—					
	Payable at the National Debt Office.	Life Annuities per 48 Geo. III. c. 142, and 10 Geo. IV. c. 24.	790,125	13	0	—					
		Tontines and other Life Annuities per various Acts. English	22,043	7	3¾	—					
		Tontines and other Life Annuities per various Acts. Irish	34,230	8	7	6,823	7	3			
			26,336,706	9	6	1,162,419	8	4¾			
Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax under Schedules C, D 1 & D 2, per 52 Geo. III, c. 123			11,637	7	6¼	—					
Management			271,352	14	10½	—					
TOTAL ANNUAL CHARGE			26,619,696	11	10¾	1,162,419	8	4¾	27,782,116	0	3½

ABSTRACT.

(*.* *Shillings and Pence omitted.)*

—	CAPITALS.	CAPITALS transferred to the Commissioners.	CAPITALS unredeemed.	ANNUAL CHARGE.		
				Due to the Public Creditor.	MANAGEMENT.	TOTAL.
	£.	£.	£.	£.	£.	£.
Great Britain	720,464,457	1,579,870	718,884,587	26,348,343	271,352	26,619,696
Ireland	32,774,295	—	32,774,295	1,162,419	—	1,162,419
	753,238,752	* 1,579,870	751,658,882	27,510,762	271,352	27,782,115

	£.	s.	d.
* On account of Donations and Bequests	206,666	19	11
Do. of Stock unclaimed 10 years or upwards	242,890	14	10
Do. of Unclaimed Dividends.	742,400	0	0
	1,191,957	14	9
Do. of Land Tax, Schedules C. D 1; and D 2	387,912	11	4
Total Stock transferred to and standing in the Names of the Commissioners on the 5th January 1834	1,579,870	6	1

DEFERRED ANNUITIES OUTSTANDING:

	£.	s.	d.
Deferred Life Annuities, per 10 Geo. 4, c. 24	1,555	19	0
Deferred Annuities for terms of years, per do.	20	0	0
Payable to the Trustees of the Waterloo Fund, per 59 Geo. 3, c. 34 — in 1835	4,000	0	0
— 1836	9,000	0	0
— 1837	2,900	0	0
	17,475	19	0

CLASS V.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT of Great Britain and Ireland, and of the Demands outstanding on 5th January, 1834.

—	PROVIDED.	UNPROVIDED.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.
Exchequer Bills (exclusive of £.33,396 4*s.* 2*d.* issued for paying off £.4 per cents)	- - -	28,384,700 0 0	28,384,700 0 0
Sums remaining unpaid, charged upon Aids granted by Parliament	6,934,695 11 0¾	- - -	6,934,695 11 0¾
Advances made out of the Consolidated Fund in Ireland, towards the Supplies which are to be repaid to the Consolidated Fund out of the Ways and Means in Great Britain	341,554 0 1½	- - -	341,554 0 1½
Total Unfunded Debt and Demands Outstanding	7,276,249 11 2¼	28,384,700 0 0	35,660,949 11 2¼
Ways and Means	7,838,412 2 5¾	—	—
Surplus Ways and Means	562,162 11 3½	—	—
Exchequer Bills to be issued to complete the Charge upon the Consolidated Fund, at 5th January 1834	- - -	4,846,149 3 4¾	4,846,149 3 4¾

CLASS VI.—DISPOSITION OF GRANTS.

An Account showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND for the Year 1833, have been disposed of; distinguished under their several Heads; to 5th January 1834.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
NAVY	4,658,134	0	0	2,860,000	0	0
ORDNANCE	1,462,223	0	0	811,000	0	0
FORCES	6,654,818	3	6¾	3,405,936	0	9¼
To pay Mr. Marshall for 1,250 copies of his Digest of the Accounts and Papers presented to Parliament since 1799, for the use of the Members of the House of Commons, and for the Public Service	2,625	0	0	2,000	0	0
Towards defraying the Charge of Civil Contingencies: to the 31st day of March 1834	100,000	0	0	98,282	8	5½
To make good the Sum required to defray the Charge for Civil Contingencies; for the same time	40,000	0	0	—		
To defray the Charge of those Salaries of the Officers of the House of Lords and of the House of Commons, and of the Pensions for retired Officers of the two Houses which are paid at the Treasury, and also of the Amount which will be required in aid of the Fee Funds of the two Houses; for the year 1833 ...	45,309	0	0	43,509	0	0
To defray the Expenses of the House of Lords and of the House of Commons; to the 31st day of March 1834	26,200	0	0	22,000	0	0
To make good the Deficiency of the Fee Fund, in the Department of his Majesty's Treasury; to the same time	39,800	0	0	30,996	0	0
To make good the Deficiency of the Fee Fund, in the Office of his Majesty's Secretary of State for the Home Department; for the same time	10,743	0	0	9,700	0	0
To make good the Deficiency of the Fee Fund, in the Department of his Majesty's Secretary of State for Foreign Affairs; for the same time	13,402	0	0	13,402	0	0
To make good the Deficiency of the Fee Fund, in the Department of his Majesty's Secretary of State for the Colonies; for the same time	12,275	12	3	9,000	0	0
To make good the Deficiency of the Fee Fund, in the Department of his Majesty's most honourable Privy Council and Committee of Privy Council for Trade; for the same time	13,500	0	0	9,002	10	7
To defray the Expenses of Messengers attending the first Lord of the Treasury and Chancellor of the Exchequer, the four Patent Messengers of the Court of Exchequer, and various ancient Allowances to the Officers of that Court; for the same time ...	4,366	0	0	1,500	0	0
To defray the charge of the Penitentiary at Milbank; for the same time	8,600	0	0	413	0	0
To make good the Deficiency of the Fees in the Office of Registry of Slaves in the Colonies; for the same time	1,514	0	0	699	14	10
To defray the Salaries and other Expenses of the State Paper Office, the Office for the Custody of Records in the Tower, and the Office for the Custody of Records in the Chapter House, Westminster; for the same time	4,570	0	0	2,055	3	4
To defray the Expense of Printing Acts of Parliament, Bills, Reports, and other Papers, for the two Houses of Parliament; for the same time	56,000	0	0	18,382	17	0
To defray the Expenses of the Mint in the Coinage of Gold and Recoinage of Silver; for the same time	31,700	0	0	17,000	0	0
To defray the Expenses that may be incurred for Prosecution for Offences against the Laws relating to Coin; for the same time...	8,000	0	0	8,000	0	0
To defray the Expense of Law Charges; for the same time ...	15,000	0	0	5,000	0	0

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
The following SERVICES are directed to be paid without any Fee or other Deductions whatsoever:						
For defraying the CHARGE of the CIVIL ESTABLISHMENTS under-mentioned; viz.						
Of the Bahama Islands, and the incidental Charges attending the same; to the 31st day of March 1834	2,140	0	0	900	0	0
Of the Bermuda Islands; for the same time	4,249	13	4	4,249	13	4
Of Prince Edward's Island; for the same time	3,220	0	0	1,200	0	0
Of Newfoundland; for the same time	12,861	0	0	1,000	0	0
Of the Settlements in Western Africa; to the 31st day of March 1834	17,393	16	0	—		
To defray the Charge of the Ecclesiastical Establishments of the British North American Provinces; to the 31st March 1834 ...	18,700	18	6	8,000	0	0
To defray the Charges of the Settlement in Western Australia; for the same time	6,290	19	6	—		
To defray the Charge of the Establishment of the Indian Department in Upper and Lower Canada; for the same time ..	20,000	0	0	—		
To pay the Allowances and Expenses of the Barristers employed, in the year 1832, in revising Lists of Voters, under the Act of his present Majesty, for amending the Representation of the People of England and Wales	30,500	0	0	30,500	0	0
To defray the Estimated Expenses of the British Museum; for the year ending at Christmas 1833	16,844	0	0	16,844	0	0
To defray the Expense of Works and Repairs of Public Buildings, and for Furniture and other Charges of Public Offices and Departments, for certain Charges for Lighting and Watching, and for the Maintenance and Repairs of Royal Palaces and Works in the Royal Gardens; to the 31st day of March 1834...	43,370	0	0	—		
To defray the Expense of completing certain Alterations and Additions to his Majesty's Palace at Brighton; to the same time .	2,671	0	0	—		
To defray the Expense of Works and Repairs at the Harbour of Kingstown; to the same time	15,720	0	0	3,000	0	0
To defray the Expense of Works at Port Patrick Harbour; to the same time	2,499	0	0	2,499	0	0
To defray the Expense of Works at Donaghadee Harbour; to the same time	4,556	0	0	4,556	0	0
To defray the Expenses of the Holyhead and Liverpool Roads, and Holyhead and Howth Harbours; for one year, from the 5th day of April 1833	3,951	0	0	3,951	0	0
To defray the Charge of the New Buildings at the British Museum; to the 31st day of March 1834	24,000	0	0	—		
To defray the Expense of Repairs and Alterations at Windsor Castle; to the same time	40,000	0	0	—		
To defray the Charge of interior Fittings for the New State Paper Office; to the same time	1,800	0	0	—		
To complete the Pier at Hobb's Point, near Pembroke; to the 31st day of March 1834	8,422	0	0	8,422	0	0
For the Charge of the Commissioners for Building additional Churches in the Highlands and Islands of Scotland ...	1,544	0	0	1,544	0	0
To defray the Expense of erecting a National Gallery; to the 31st day of March 1834	10,000	0	0	—		
To defray the Charge of the Salary of the Lord Privy Seal; to the same time	2,000	0	0	1,000	0	0
To defray the contingent Expenses and Messengers' Bills in the Department of his Majesty's Treasury; to the same time ...	7,500	0	0	6,354	0	0
To defray the contingent Expenses and Messengers' Bills in the Department of his Majesty's Secretary of State for Foreign Affairs; to the same time	39,600	0	0	25,000	0	0
To defray the contingent Expenses and Messengers' Bills in the Department of his Majesty's Secretary of State for the Home Department; to the same time	6,284	0	0	4,000	0	0
To defray the contingent Expenses and Messengers' Bills in the Department of his Majesty's Secretary of State for the Colonies; to the same time	5,600	0	0	4,500	0	0

SERVICES—*continued.*	SUMS Voted or Granted. £.	s.	d.	SUMS Paid. £.	s.	d.
To defray the contingent Expenses and Messengers' Bills in the Department of his Majesty's most honourable Privy Council and Committee of Privy Council for Trade; to the same time...	5,453	0	0	1,865	0	9
To defray the Charge of the Salaries and Allowances granted to certain Professors in the Universities of Oxford and Cambridge; to the same time	1,264	0	0	1,264	0	0
To pay the Salaries of the Commissioners of the Insolvent Debtors' Court, and of their Clerks, the contingent Expenses of the Court and Office, and also the Expenses attendant upon their Circuits; to the same time	12,300	0	0	6,500	0	0
To pay the Salaries of the Officers, and the contingent Expenses of the Office for the Registration of Aliens; to the same time ...	1,583	0	0	1,000	0	0
To defray, in the year 1833, the Expenses of the Commissioners appointed to inquire into the Practice and Proceedings of the Superior Courts of Common Law	7,097	0	0	6,872	4	3
To pay, to the 31st day of March 1834, the Salaries and the Incidental Expenses of the Commissioners appointed on the part of his Majesty, under the Treaties with Foreign Powers for preventing the Illegal Traffic in Slaves	16,500	0	0	9,000	0	0
To pay the Salaries of his Majesty's Consuls General, Consuls and Vice-Consuls, and also the contingent Charges and Expenses connected with their Public Duties and Establishments; to the 31st day of March 1834	78,075	0	0	43,609	13	8
To defray the Charge of the Salaries and the Contingent and Travelling Expenses of the Commissioners for inquiring into Charities; to the same time	13,150	0	0	10,687	10	0
To defray the Charge of retired Allowances or Superannuations to Persons formerly employed in the Public Offices or Departments, or in the Public Service; to the same time ...	55,967	0	0	27,912	11	8½
To enable his Majesty to grant Relief, to the 31st day of March 1834, to Toulonese and Corsican Emigrants, Dutch Naval Officers, Saint Domingo Sufferers, American Loyalists, and others who have heretofore received from his Majesty, and who, for Services performed or Losses sustained in the British Service, have special Claims upon his Majesty's Justice and Liberality .	11,112	0	0	5,400	0	0
To defray the Expense of the National Vaccine Establishment; for the year 1833	2,200	0	0	2,200	0	0
For the Support of the Institution called the Refuge for the Destitute; for the same time	3,000	0	0	3,000	0	0
To defray the Expense of confining and maintaining Criminal Lunatics; to the 31st day of March 1833	2,698	0	0	1,484	19	5
To defray, to the same time, the usual Allowances to Protestant Dissenting Ministers in England, poor French Refugee Clergy, poor French Refugee Laity, and sundry small Charitable and other Allowances to the Poor of Saint Martin's-in-the-Fields, and others	4,990	0	0	1,830	19	9
To defray the Charge of his Majesty's Foreign and other Secret Services; to the same time	39,400	0	0	5,550	0	0
To defray the Expense of confining, maintaining, and employing Convicts at Home and in Bermuda, and in providing Clothing for the Convicts who may probably be transported to New South Wales and Van Diemen's Land; to the same time	89,654	0	0	89,654	0	0
To defray the Expense of providing Stationery, Printing, and Binding for the several Departments of Government in England and Ireland, to the same time; and also for providing Paper for the Printing which may be ordered in the Session 1834 for the two Houses of Parliament	113,988	0	0	50,000	0	0
To defray the Expenses for the Support of captured Negroes and liberated Africans; to the 31st day of March 1834	25,000	0	0	—		
To defray the Charge of maintaining Convicts at New South Wales and Van Diemen's Land; to the same time	130,000	0	0	122,664	6	3
To defray the Expenses incurred under the direction of the Commissioners of Records; to the same time	8,000	0	0	8,000	0	0
For the Purchase of the Pensions granted by King Charles the Second to Colonel Fairfax, and his Heirs, for ever; and to the Heirs of Nicholas Yates, and their Heirs, for ever ...	3,646	13	9	—		

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
In aid of the Expenses of a Voyage of Discovery to the Polar Regions, in the year 1833	2,000	0	0	—		
To defray, to the 31st day of March 1834, the Charge of a Grant to Mr. Morton, on account of his invention of a Patent Slip ...	2,500	0	0	2,500	0	0
To defray the Expense, in the year 1833, of paying the Fees due and payable to the Officers of the Parliament, on all Bills for continuing or amending any Acts for making or maintaining, keeping in repair or improving Turnpike Roads, which shall pass the two Houses of Parliament and receive the Royal Assent ...	5,000	0	0	4,977	16	3
On account of the Rideau Canal, and the Canals on the Ottawa; to the 31st day of March 1834	40,000	0	0	—		
To defray the Charge of Salaries to Governors, Lieutenant-Governors and others in his Majesty's West India Colonies; to the same time	14,567	0	0	14,567	0	0
To complete the external Repairs of Whitehall Chapel, and for the Repair, Painting, and other Works necessary for the Restoration of the interior of the same	2,630	0	0	—		
To defray the Expense, in the year 1833, of the Commissioners appointed to inquire into the existing State of Municipal Corporations in Great Britain and Ireland	15,300	0	0	11,300	0	0
To defray, to the 31st day of March 1834, the Expenses of erecting Lighthouses on the eastern side of the Bahama Straits ...	10,000	0	0	—		
In aid of Private Subscriptions for the Erection of School-houses for the Education of the Children of the Poorer Classes in Great Britain; to the 31st day of March 1834	20,000	0	0	—		
To defray Miscellaneous Charges for Scotland; from the 31st day of March 1833 to the 31st day of March 1834	57,227	6	4	16,528	3	9
For defraying the CHARGE of the following SERVICES in IRELAND:						
To enable the Lord Lieutenant of Ireland to issue money for the advancement of Education; to the 31st day of March 1834 ...	25,000	0	0	2,000	0	0
To defray the Expense of the Foundling Hospital in Dublin; to the same time	22,000	0	0	16,000	0	0
To defray the Expense of the House of Industry in Dublin, the Lunatic Department, and the Three General Hospitals attached; ditto	19,609	0	0	15,000	0	0
To defray the Expense of the Hibernian Marine Society in Dublin; ditto	650	0	0	650	0	0
To defray the Expense of the Female Orphan House in Dublin; ditto	1,046	0	0	1,046	0	0
To defray the Expense of the Westmorland Lock Hospital; ditto.	2,764	0	0	2,000	0	0
To defray the Expense of the Lying-in Hospital, Dublin; ditto...	1,500	0	0	750	0	0
To defray the Expense of Dr. Steevens' Hospital; ditto ...	1,500	0	0	1,500	0	0
To defray the Expense of the Fever Hospital and House of Recovery, Cork-street, Dublin; ditto	3,800	0	0	3,800	0	0
To defray the Expense of the Hospital for Incurables, near Dublin; ditto	500	0	0	500	0	0
To defray the Expense of the Roman Catholic College, in Ireland; ditto	8,928	0	0	4,464	0	0
To defray the Expense of the Royal Dublin Society; ditto ...	5,300	0	0	5,300	0	0
To defray the Expense of the Royal Irish Academy; ditto ...	300	0	0	300	0	0
To defray the Expense of the Royal Hibernian Academy; to the 31st day of March 1834	300	0	0	—		
To defray the Expense of the Board of Charitable Donations and Bequests; ditto	700	0	0	—		
To defray the Expense of the Royal Belfast Academical Institution; ditto	1,560	0	0	1,500	0	0
To defray the Expense of the Board of Works; ditto ...	17,600	0	0	2,000	0	0
To pay the Salaries and Expenses of the Chief and Under Secretaries to the Lord Lieutenant of Ireland, of the Privy Council Office, and of his Majesty's Printer in Ireland; same time ...	22,000	0	0	13,372	2	8
To defray the Charge of Salaries to Officers and Attendants of the Household of the Lord Lieutenant of Ireland, and certain other Officers and Services formerly charged on the Civil List in Ireland; to the same time	14,141	0	0	9,023	8	2

SERVICES—*continued.*				SUMS Voted or Granted.			SUMS Paid.		
				£.	.	d.	£.	s.	d.
To defray the Charge of the Officers of the Vice Treasurer and Teller of the Exchequer of Ireland; to the same time				6,850	0	0	5,138	4	6
To defray the Expense of publishing Proclamations and for printing Statutes in Ireland; to the same time				4,100	0	0	2,336	7	9
To defray the Expense of Non-conforming and Protestant Dissenting Ministers in Ireland; to the same time				24,224	0	0	12,107	9	6
To defray the Charge of Criminal Prosecutions in Ireland; to the same time				50,000	0	0	47,856	10	11
In aid of the Funds for the maintenance of the Police Departments of Dublin; to the same time				12,000	0	0	6,000	0	0
To defray the Expense of Public Works in Ireland; to the same time				3,276	0	0	2,176	0	0
To defray the Expense of Repairs at Dunmore Harbour; to the same time				4,000	0	0	—		
To defray the Expense of the Townland Survey of Ireland; to the same time				3,000	0	0	—		
To defray, to the 31st day of March 1834, the Expenses incurred in carrying on and completing certain Roads in the County of Galway				5,000	0	0	5,000	0	0
To pay, in the year 1833, the Annual Compensation to Sir Abraham Bradley King, late King's Stationer in Ireland, for losses sustained by him by reason of the Revocation of his Patent ...				2,500	0	0	2,500	0	0
To repay to Mr Orpen, the Amount paid by him under the authority of the Act passed in the 55th year of the reign of his late Majesty King George the Third, c. 114, to the Consolidated Fund, on the intended purchase by him of the Office of one of the Six Clerks of the Court of Chancery in Ireland, and which purchase has not been completed				1,600	0	0	1,600	0	0
				14,620,487	3	2¾	8,107,686	17	7¼
To pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the years 1832 or 1833, now remaining unpaid and unprovided for	25,896,600	0	0						
To pay off and discharge Exchequer Bills, issued pursuant to several Acts for carrying on Public Works and Fisheries, and for building additional Churches, outstanding and unprovided for	274,050	0	0						
To pay off and discharge Exchequer Bills issued in pursuance of an Act passed in the 11th year of the reign of his late Majesty, for the payment of the Proprietors of £.4 per Cent Annuities in England and Ireland, who signified their dissent to transferring such Annuities into £.3 10*s.* per Cent Annuities, outstanding and unprovided for on the 5th day of January 1833	1,582,000	0	0						
				27,752,650	0	0	25,602,600	0	0
				42,373,137	3	2¾	33,710,286	17	7¼

PAYMENTS FOR OTHER SERVICES,

Not being part of the Supplies granted for the Service of the Year.

	Sums Paid to 5th January 1834.			Estimated further Payments.		
	£.	s.	d.	£.	s.	d.
Grosvenor Charles Bedford, Esq. on his Salary, for additional trouble in preparing Exchequer Bills, pursuant to Act 48 Geo. 3, c. 1	100	0	0	100	0	0
Expenses in the Office of the Commissioners for issuing Exchequer Bills, pursuant to Acts 57 Geo. 3, c. 34 and 124, and 3 Geo. 4, c. 86	4,000	0	0			
Expenses in the Office of the Commissioners for building additional Churches, pursuant to Act 58 Geo. 3, c. 45	3,000	0	0			
By Interest on Exchequer Bills:						
On £.12,000,000, per Act 1 Will. 4, c. 11, s. 2	294,282	18	0			
13,616,600 - - 1 & 2 Will. 4, c. 11, s. 14 ...	44,586	4	2			
13,896,600 - - 2 & 3 - - - - - 94 ..	172,827	12	10			
1,582,000 - - 11 Geo. 4, c. 26	103,303	5	0			
	622,100	0	0	100	0	0
				622,100	0	0
Total Services not voted				622,200	0	0
Amount of Sums voted				42,373,137	3	2¾
Total Sums voted, and Payments for Services not voted ...				42,995,337	3	2¾

WAYS AND MEANS

for answering the foregoing Services:

		£.	s.	d.
Sums to be brought from the Consolidated Fund, per Act 3 Will. 4, c. 18		6,000,000	0	0
- - - - - - Ditto - - - - - - - - - - - - 3 & 4 Will. 4, c. 96 ...		6,000,000	0	0
East India Company, per Act 3 Will. 4, c. 1		60,000	0	0
Duty on Sugar - - - - - - - - - - 3		3,000,000	0	0
Repayments by the Commissioners for issuing Exchequer Bills for carrying on Public Works and Fisheries in the United Kingdom		161,939	6	8
Interest on Land-tax redeemed by Money		20	1	6
Unclaimed Dividends, after deducting Repayments to the Bank of England for deficiency of Balance in their hands		25,115	14	8
Exchequer Bills voted in Ways and Means; viz.				
3 Will. 4, c. 2	£.12,000,000 0 0			
3 & 4 Will. 4, c. 25	15,752,650 0 0	27,752,650	0	0
Total Ways and Means		42,999,725	2	10
Total Grants and Payments for Services not voted		42,995,337	3	2¾
Surplus Ways and Means		4,387	19	7¼

CLASS VII.—ARREARS AND BALANCES.

It is not considered necessary to print this Class of Accounts.

CLASS VIII.—TRADE OF THE UNITED KINGDOM.

An Account of the VALUE of IMPORTS into, and of EXPORTS from the United Kingdom of GREAT BRITAIN and IRELAND:—Also, the Amount of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real or Declared Value thereof.

YEARS ending 5th January.	VALUE OF IMPORTS into the United Kingdom, calculated at the Official Rates of Valuation.			VALUE OF EXPORTS FROM THE UNITED KINGDOM, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real or Declared Value thereof.		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1832....	49,713,889	11	6	60,683,933	8	4	10,745,071	11	3	71,429,004	19	7	37,163,647	13	10
1833....	44,586,241	15	0	65,026,702	11	0	11,044,869	17	0	76,071,572	8	0	36,444,524	18	7
1834....	45,952,551	6	5	69,989,339	13	8	9,833,753	10	2	79,823,093	3	10	39,667,347	8	5

NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, that were Built and Registered in the several Ports of the BRITISH EMPIRE, in the Years ending 5th January, 1832, 1833, and 1834, respectively.

—	In the Years ending the 5th January,					
	1832.		1833.		1834.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom..................................	742	83,852	733	90,180	711	89,212
Isles of Guernsey, Jersey, and Man	18	1,855	26	2,735	17	2,959
British Plantations	376	34,290	386	43,397	298	32,878
TOTAL..............	1,136	119,997	1,145	136,312	1,026	125,049

Note.—The Account rendered for the Plantations for the year ending 5th January 1833, is now corrected; and as several Returns from the Plantations are not received for the last year, a similar correction will be necessary when the next Account is made up.

VESSELS REGISTERED.—An Account of the Number of VESSELS, with the Amount of their TONNAGE and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 31st December 1831, 1832, and 1833, respectively.

—	On 31st Dec. 1831.			On 31st Dec. 1832.			On 31st Dec. 1833.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom ...	18,942	2,190,457	132,200	19,143	2,225,980	134,588	19,158	2,233,855	136,250
Isles of Guernsey, Jersey, and Man .	508	33,899	3,816	521	35,880	3,844	531	37,446	3,839
British Plantations..	4,792	357,608	22,406	4,771	356,208	23,202	4,696	363,276	23,911
TOTAL	24,242	2,581,964	158,422	24,435	2,618,068	161,634	24,385	2,634,577	164,000

NAVIGATION OF THE UNITED KINGDOM—*continued.*

VESSELS EMPLOYED IN THE FOREIGN TRADE.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages), that entered Inwards and cleared Outwards, at the several Ports of the United Kingdom, from and to Foreign Parts, during each of the Three Years ending 5th January, 1834.

Years ending 5th Jan.	SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM From Foreign Parts.								
	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1832	14,488	2,367,322	131,627	6,085	874,605	47,453	20,573	3,241,927	179,080
1833	13,372	2,185,980	122,594	4,546	639,979	35,399	17,918	2,825,959	157,993
1834	13,119	2,183,814	120,495	5,505	762,085	41,996	18,624	2,945,899	162,491

Years ending 5th Jan.	SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM To Foreign Parts.								
	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1832	13,791	2,300,731	132,004	5,927	896,051	47,009	19,718	3,196,782	179,013
1833	13,292	2,229,269	128,293	4,391	651,223	34,834	17,683	2,880,492	163,127
1834	13,266	2,244,274	125,474	5,250	758,601	40,014	18,516	3,002,875	165,488

NAVIGATION OF GREAT BRITAIN.

NEW VESSELS BUILT.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, that were Built and Registered in the several Ports of the BRITISH EMPIRE (except IRELAND), in the Years ending 5th January, 1832, 1833, and 1834, respectively.

	In the Years ending the 5th January,					
——	1832.		1833.		1834.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
England	555	67,973	550	71,216	541	71,480
Scotland	148	13,454	158	17,055	135	15,514
Isle of Guernsey	—	—	3	451	1	298
— Jersey	4	623	9	1,465	6	972
— Man	14	1,232	14	819	10	1,689
British Plantations	376	34,290	386	43,397	298	32,878
TOTAL	1,097	117,572	1,120	134,403	991	122,831

Note.—The Account rendered for the Plantations (for the Year ending 5th January, 1833) is now corrected; and as several Returns from the Plantations are not yet received for the last Year, a similar correction will be necessary when the next Account is made up.

NAVIGATION OF GREAT BRITAIN—*continued.*

Vessels Registered.—An Account of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys usually employed in Navigating the same, that belonged to the several Ports of the British Empire (except Ireland) on the 31st December, 1831, 1832, and 1833 respectively.

—	On 31st Dec. 1831.			On 31st Dec. 1832.			On 31st Dec. 1833.		
	Vessels.	Tonnage.	Men.	Vessels.	Tonnage.	Men.	Vessels.	Tonnage.	Men.
England …………	14,281	1,780,252	101,937	14,421	1,807,487	103,749	14,388	1,805,626	104,727
Scotland …………	3,214	303,631	22,219	3,266	310,365	22,611	3,288	317,983	23,135
Isle of Guernsey …	75	7,906	578	80	9,158	647	79	9,075	637
— Jersey ……	212	19,700	1,907	216	20,250	1,895	228	21,799	1,978
— Man ………	221	6,293	1,331	225	6,472	1,302	224	6,572	1,224
British Plantations.	4,792	357,608	22,406	4,771	356,208	23,202	4,696	363,276	23,911
Total ……	22,795	2,475,390	150,378	22,979	2,509,940	153,406	22,903	2,524,331	155,612

Vessels employed in the Foreign Trade.—An Account of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys employed in Navigating the same, (including their repeated Voyages,) that entered Inwards and cleared Outwards at the several Ports of Great Britain, from and to all Parts of the World, during each of the Three Years ending 5th January, 1834:—Also, showing the Number and Tonnage of Shipping entered Inwards and cleared Outwards, during the same Period, exclusive of the Intercourse with Ireland.

SHIPPING ENTERED INWARDS IN GREAT BRITAIN,
From all Parts of the World.

Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1832	24,109	3,294,631	198,902	5,910	847,320	45,865	30,019	4,141,951	244,767
1833	23,295	3,141,272	189,443	4,435	622,328	34,412	27,730	3,763,600	223,855
1834	21,782	3,062,229	185,853	5,369	739,887	40,789	27,151	3,802,116	226,642

SHIPPING CLEARED OUTWARDS FROM GREAT BRITAIN,
To all Parts of the World.

	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1832	26,336	3,421,251	204,957	5,768	869,856	45,518	32,104	4,291,107	250,475
1833	27,407	3,517,409	212,326	4,309	638,345	34,108	31,716	4,155,754	246,434
1834	26,876	3,485,906	207,337	5,158	743,690	39,205	32,034	4,229,596	246,542

SHIPPING ENTERED INWARDS IN GREAT BRITAIN,
From all Parts (except Ireland.)

	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1832	13,748	2,236,446	124,681	5,910	847,320	45,865	19,658	3,083,766	170,546
1833	12,549	2,029,046	114,367	4,435	622,328	34,412	16,984	2,651,374	148,779
1834	12,271	2,015,882	111,940	5,369	739,887	40,789	17,640	2,755,769	152,729

SHIPPING CLEARED OUTWARDS FROM GREAT BRITAIN,
To all Parts (except Ireland.)

	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1832	13,178	2,174,509	125,389	5,768	869,856	45,518	18,946	3,044,365	170,907
1833	12,713	2,099,876	121,739	4,309	638,345	34,108	17,022	2,738,221	155,847
1834	12,649	2,107,350	118,592	5,158	743,690	39,205	17,807	2,851,040	157,797

NAVIGATION OF IRELAND.

New Vessels Built.—An Account of the Number of Vessels, with the Amount of their Tonnage, that were Built and Registered in the several Ports of Ireland, in the Years ending 5th January, 1832, 1833, and 1834, respectively.

	Vessels.	Tonnage.
Year ending 5th January 1832	39	2,425
— 1833	25	1,909
— 1834	35	2,218

Vessels Registered.—An Account of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys usually employed in Navigating the same, that belonged to the several Ports of Ireland, on the 31st December, 1831, 1832, 1833, respectively.

	Vessels.	Tonnage.	Men.
On the 31st December 1831	1,447	106,574	8,044
— 1832	1,456	108,128	8,228
— 1833	1,482	110,246	8,388

Vessels employed in the Foreign Trade.—An Account of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys employed in Navigating the same (including their repeated Voyages), that entered Inwards and cleared Outwards at the several Ports of Ireland, from and to all Parts of the World, during each of the Three Years ending 5th January 1834:—Also, showing the Number and Tonnage of Shipping entered Inwards and cleared Outwards, during the same period, exclusive of the Intercourse with Great Britain.

SHIPPING ENTERED INWARDS IN IRELAND,
From all Parts of the World.

Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1832	14,324	1,393,097	84,856	175	27,285	1,588	14,499	1,420,382	86,444
1833	15,595	1,541,832	91,395	111	17,651	987	15,706	1,559,483	92,382
1834	15,326	1,567,800	92,680	136	22,198	1,207	15,462	1,589,998	93,887

SHIPPING CLEARED OUTWARDS FROM IRELAND,
To all Parts of the World.

	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1832	9,642	1,047,350	70,226	159	26,195	1,491	9,801	1,073,545	71,717
1833	9,953	1,099,874	70,333	82	12,878	726	10,035	1,112,752	71,059
1834	9,887	1,138,732	70,485	92	14,911	809	9,979	1,153,643	71,294

SHIPPING ENTERED INWARDS IN IRELAND,
From all Parts (except Great Britain).

	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1832	740	130,876	6,946	175	27,285	1,588	915	158,161	8,534
1833	823	156,934	8,227	111	17,651	987	934	174,585	9,214
1834	848	167,932	8,555	136	22,198	1,207	984	190,130	9,762

SHIPPING CLEARED OUTWARDS FROM IRELAND,
To all Parts (except Great Britain).

	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1832	613	126,222	6,615	159	26,195	1,491	772	152,417	8,106
1833	579	129,393	6,554	82	12,878	726	661	142,271	7,280
1834	617	136,924	6,882	92	14,911	809	709	151,835	7,691

(End of Annual Finance Accounts, from 5th Jan. 1833 *to 5th Jan.* 1834.*)*

A
TABLE
OF
All the STATUTES passed in the SECOND Session of the ELEVENTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

4° & 5° *GUL.* IV.

PUBLIC GENERAL ACTS.

CAP.

I. AN Act to explain and amend an Act of the last Session of Parliament, for regulating the Labour of Children and young Persons in the Mills and Factories of the United Kingdom.

II. An Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-four.

III. An Act for raising the Sum of Fourteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-four.

IV. An Act for the regulation of His Majesty's Royal Marine Forces while on Shore.

V. An Act for continuing to His Majesty until the Fifth Day of *July* One thousand eight hundred and thirty-five certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-four.

VI. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

VII. An Act to repeal, at the Period within mentioned, so much of an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen* Anne, *and in other Acts relating to the Revenue of the Post Office,* as authorizes the taking of certain Rates of Inland Postage within His Majesty's Dominions in *North America.*

VIII. An Act to amend an Act passed in the last Session, for consolidating and amending the Laws relative to Jurors and Juries in *Ireland.*

IX. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-five; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates.

X. An Act for continuing until the First Day of *June* One thousand eight hundred and thirty-six the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire with the present or the next Session of Parliament.

XI. An Act for continuing to His Majesty until the Fifth Day of *July* One thousand eight hundred and thirty-five certain Duties on Offices and Pensions, for the Service of the Year One thousand eight hundred and thirty-four; and to appropriate any Sums arising from the Redemption of the Land Tax.

XII. An Act to apply a Sum of Seven Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-four.

XIII. An Act to repeal so much of an Act of the last Session of Parliament, for the Prevention of Smuggling, as authorizes Magistrates to sentence Persons convicted of certain Offences to serve His Majesty in His Naval Service, and to alter and amend the said Act.

XIV. An Act to repeal so much of several Acts as authorizes the issuing any Sums of Money out of the Consolidated Fund for the Encouragement of the raising or dressing Hemp or Flax.

XV. An Act to regulate the Office of the Receipt of His Majesty's Exchequer at *Westminster*.

XVI. An Act to abolish the Office of Recorder of the Great Roll or Clerk of the Pipe in the Exchequer in *Scotland*.

XVII. An Act to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill for preventing Bribery and Corruption and illegal Practices in the Election of Members to serve in Parliament for the Borough of *Warwick*.

XVIII. An Act to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Freemen of *Liverpool* from voting at the Election of Members of Parliament for that Borough.

XIX. An Act to repeal certain Duties on Inhabited Dwelling Houses.

XX. An Act to explain and amend an Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, to regulate the Conveyance and Sale of Fish at First Hand.

XXI. An Act for amending certain Provisions of an Act of the Thirty-sixth of *George* the Third, for regulating the buying and selling of Hay and Straw.

XXII. An Act to amend an Act of the Eleventh Year of King *George* the Second, respecting the Apportionment of Rents, Annuities, and other periodical Payments.

XXIII. An Act for the Amendment of the Law relative to the Escheat and Forfeiture of Real and Personal Property holden in Trust.

XXIV. An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service.

XXV. An Act to alter and extend the Provisions of an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy.

XXVI. An Act to abolish the Practice of hanging the Bodies of Criminals in Chains.

XXVII. An Act for the better Administration of Justice in certain Boroughs and Franchises.

XXVIII. An Act to amend the Laws relative to Marriages celebrated by Roman Catholic Priests and Ministers not of the Established Church, in *Scotland*.

XXIX. An Act for facilitating the Loan of Money upon Landed Securities in *Ireland*.

XXX. An Act to facilitate the Exchange of Lands lying in Common Fields.

XXXI. An Act for transferring certain Annuities of Four Pounds *per Centum per Annum* into Annuities of Three Pounds and Ten Shillings *per Centum per Annum*, and for providing for paying off the Persons who may dissent to such Transfer.

XXXII. An Act for reducing the Tonnage Rates payable in the Port of *London*.

XXXIII. An Act to repeal so much of several Acts as requires Deposits to be made upon Teas sold at the Sales of the *East India* Company.

XXXIV. An Act to repeal the Laws relating to the Contribution out of Merchant Seamen's Wages towards the Support of the Royal Naval Hospital at *Greenwich*, and for supplying other Funds in lieu thereof.

XXXV. An Act for the better Regulation of Chimney Sweepers and their Apprentices, and for the safer Construction of Chimneys and Flues.

XXXVI. An Act for establishing a new Court for the Trial of Offences committed in the Metropolis and Parts adjoining.

XXXVII. An Act to prohibit any further Lotteries under an Act passed in the First and Second Years of the Reign of His present Majesty, for the Improvement of *Glasgow*.

XXXVIII. An Act to continue, under certain Modifications, to the First Day of *August* One thousand eight hundred and thirty-five, an Act of the Third Year of His present Majesty, for the more effectual Suppression of local Disturbances and dangerous Associations in *Ireland*.

XXXIX. An Act to give Costs in Actions of Quare impedit.

XL. An Act to amend an Act of the Tenth Year of His late Majesty King *George* the Fourth, to consolidate and amend the Laws relating to Friendly Societies.

XLI. An Act to regulate the Appointment of Ministers to Churches in *Scotland* erected by voluntary Contribution.

XLII. An Act to facilitate the taking of Affidavits and Affirmations in the Court of the Vice-Warden of the Stannaries of *Cornwall*.

XLIII. An Act to authorize Persons duly appointed to act as Justices of the Peace in the Islands of *Scilly*, although not qualified according to Law.

XLIV. An Act to regulate the Conveyance of printed Newspapers by Post between the United Kingdom, the *British* Colonies, and Foreign Parts.

XLV. An Act to amend an Act of the present Session, for altering and consolidating the Laws for regulating the Pensions and Allowances to Persons in respect of their having held Civil Offices in His Majesty's Service.

XLVI. An Act to amend an Act passed in the Fifty-eighth Year of King *George* the Third, for establishing Fever Hospitals, and to make other Regulations for Relief of the suffering Poor, and for preventing the Increase of Infectious Fevers, in *Ireland*.

XLVII. An Act for preventing the Interference of the Spring Assizes with the *April* Quarter Sessions.

XLVIII. An Act to regulate the Expenditure of County Rates and Funds in aid thereof.

XLIX. An Act to amend and render more effectual Two Acts of the Fifth and Sixth Years of the Reign of His late Majesty King *George* the Fourth, relating to Weights and Measures.

L. An Act to amend an Act passed in the Forty-ninth Year of the Reign of King *George* the Third, for amending the *Irish* Road Acts.

LI. An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise.

LII. An Act to amend an Act of the Twentieth Year of His Majesty King *George* the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service; and for other Purposes.

LIII. An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, several Acts relating to the Importation and keeping of Arms and Gunpowder in *Ireland*.

LIV. An Act to continue for Five Years, from the Fifth Day of *April* One thousand eight hundred and thirty-five, and to amend the Acts for authorizing a Composition for Assessed Taxes.

LV. An Act to amend Three Acts, made respectively in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, and in the First and Second Years and in the Second and Third Years of the Reign of His present Majesty, for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in *Ireland*; and to provide for the more effectual Levy of Grand Jury Cess.

LVI. An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, the Acts for the Relief of Insolvent Debtors in *Ireland*.

LVII. An Act to repeal the Stamp Duties on Almanacks and Directories, and to give other Relief with relation to the Stamp Duties in *Great Britain* and *Ireland* respectively.

LVIII. An Act for raising the Sum of Fourteen millions three hundred and eighty-four thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-four.

LIX. An Act to extend the Term of an Act of the First and Second Years of His present Majesty, for ascertaining the Boundaries of the Forest of *Dean*, and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of *Saint Briavel's*, to the Twenty-first Day of *January* One thousand eight hundred and thirty-five, and from thence to the End of the then next Session of Parliament.

LX. An Act to amend the Laws relating to the Land and Assessed Taxes, and to consolidate the Boards of Stamps and Taxes.

LXI. An Act for the more effectually providing for the Erection of certain Bridges in *Ireland*.

LXII. An Act for improving the Practice and Proceedings in the Court of Common Pleas of the County Palatine of *Lancaster*.

LXIII. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland;* and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-five.

LXIV. An Act to suspend until the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

LXV. An Act for the more effectual Administration of Justice at *Norfolk Island.*

LXVI. An Act for empowering the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to pay the Net Proceeds of the Tolls of the *Menai* and *Conway Bridges* into the Receipt of His Majesty's Exchequer at *Westminster,* to the Account of the Consolidated Fund.

LXVII. An Act for abolishing Capital Punishment in case of returning from Transportation.

LXVIII. An Act to authorize an Advance out of the General Fund of Monies belonging to the Suitors of the Courts of Chancery and Exchequer in *Ireland,* towards the purchasing of Ground, and building thereon Offices necessary to the Courts of Justice in *Dublin.*

LXIX. An Act for placing the *Mumbles Head* Lighthouse in the County of *Glamorgan* under the Management of the Corporation of the *Trinity House* of *Deptford Strond.*

LXX. An Act to regulate the Salaries of the Officers of the House of Commons, and to abolish the Sinecure Offices of Principal Committee Clerks and Clerks of Ingrossments.

LXXI. An Act to repeal certain Provisions of Two Acts of His Majesty King *George* the Third, affecting the Printers, Publishers, and Proprietors of Newspapers in *Ireland.*

LXXII. An Act to amend several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts.

LXXIII. An Act to grant Relief from the Duties of Assessed Taxes in certain Cases.

LXXIV. An Act to continue until the Fifth Day of *March* One thousand eight hundred and thirty-five, and from thence to the End of the then next Session of Parliament, an Act of the Fifty-fourth Year of His Majesty King *George* the Third, for rendering the Payment of Creditors more equal and expeditious in *Scotland.*

LXXV. An Act to repeal the Duties on Spirits made in *Ireland,* and to impose other Duties in lieu thereof; and to impose additional Duties on Licences to Retailers of Spirits in the United Kingdom.

LXXVI. An Act for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales.*

LXXVII. An Act for repealing the Duties on Starch, Stone Bottles, Sweets or Made Wines, Mead or Metheglin, and on Scaleboard made from Wood.

LXXVIII. An Act for the Amendment of the Proceedings and Practice of the High Court of Chancery in *Ireland.*

LXXIX. An Act to amend the Law relating to Insolvent Debtors in *India.*

LXXX. An Act to provide for the Repayment to the Governor and Company of the Bank of *England* of One Fourth Part of the Debt due from the Public to the said Company, in pursuance of an Act passed in the last Session of Parliament.

LXXXI. An Act to amend an Act of the Third Year of King *George* the Fourth, for regulating Turnpike Roads in *England,* so far as the same relates to the Weights to be carried upon Waggons with Springs.

LXXXII. An Act to amend and extend an Act of the Second Year of His present Majesty, to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in *England* and *Ireland.*

LXXXIII. An Act to amend an Act passed in the Third Year of His present Majesty, intituled *An Act for shortening the Time required in Claims of Modus Decimandi, or Exemption from or Discharge of Tithes.*

LXXXIV. An Act to apply a Sum of Money out of the Consolidated Fund and the Surplus of Grants to the Service of the Year One thousand eight hundred and thirty-four, and to appropriate the Supplies granted in this Session of Parliament.

LXXXV. An Act to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in *England.*

LXXXVI. An Act to explain certain Provisions in an Act of the Third and Fourth Years of

His present Majesty, to provide for the Election of Magistrates and Councillors for the several Burghs and Towns of *Scotland* which now return or contribute to return Members to Parliament, and are not Royal Burghs.

LXXXVII. An Act to explain certain Provisions of an Act of the Third and Fourth Years of the Reign of His present Majesty, to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in *Scotland.*

LXXXVIII. An Act for the more effectual Registration of Persons entitled to vote in the Election of Members to serve in Parliament in *Scotland.*

LXXXIX. An Act to amend the Laws relating to the Customs.

XC. An Act to amend an Act made in the Third and Fourth Year of the Reign of His present Majesty, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church of* Ireland.

XCI. An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads which will expire during the present or before the End of the next Session of Parliament, and to amend the several Acts regulating the Post Roads, in *Ireland.*

XCII. An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance in *Ireland.*

XCIII. An Act to amend the Laws relating to Appeals against summary Convictions before Justices of the Peace in *Ireland.*

XCIV. An Act to enable His Majesty to invest trading and other Companies with the Powers necessary for the due Conduct of their Affairs, and for the Security of the Rights and Interests of their Creditors.

XCV. An Act to empower His Majesty to erect *South Australia* into a *British* Province or Provinces, and to provide for the Colonization and Government thereof.

XCVI. An Act to enable the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex* to make a new Sewer at *Bayswater* in the County of *Middlesex.*

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act to empower the *Liverpool* Oil Gas Light Company to produce Gas from Coal and other Materials, and to amend the Act relating to the said Company.

ii. An Act to alter, amend, and enlarge the Powers of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway or Tramroad from or near the City of* Bristol *to* Coalpit Heath *in the Parish of* Westerleigh *in the County of* Gloucester.

iii. An Act to enlarge and amend the Powers and Provisions of an Act relating to the *Saint Helen's* and *Runcorn Gap* Railway Company.

iv. An Act for building a Bridge over *Stoke* otherwise *Haslar Lake,* which separates *Gosport* from *Haslar,* both in the Parish of *Alverstoke* in the County of *Southampton,* and for making Approaches thereto.

v. An Act for better assessing the Poor and other Rates on small Tenements within the Parish of *Sculcoates* in the East Riding of the County of *York.*

vi. An Act to repeal an Act passed for better assessing and recovering the Poor and other Rates upon small Tenements within the Parish of *Liverpool* in the County Palatine of *Lancaster.*

vii. An Act to alter, amend, enlarge, and extend the Powers and Provisions of an Act for enabling the Company of Proprietors of *Lambeth* Waterworks to supply the Inhabitants of the Parish of *Lambeth* and Parts adjacent in the County of *Surrey* with Water.

viii. An Act for removing the Markets held in the *High* and *Fore Street* and other Places within the City of *Exeter,* and for providing other Markets in lieu thereof.

ix. An Act for enabling the *Ocean* Assurance Company to sue and be sued in the Name of the Chairman for the Time being, or of any One of the Directors of the said Company.

x. An Act for more effectually repairing and maintaining the Road from *Crouch Hill* in the Parish of *Henfield* to *Ubley's Corner* in the Parish of *Albourne*, and from the *King's Head* Inn in *Albourne*, through the Town of *Hurstperpoint*, to the Cross Roads in the Town of *Ditcheling*; and also for making and maintaining a Branch of Road from the Town of *Hurstperpoint* to *Poynings Common*, all in the County of *Sussex*.

xi. An Act for making a Turnpike Road from *Minsterley* in the County of *Salop* to the Turnpike Road leading from *Bishop's Castle* in the said County of *Salop* to *Churchstoke* in the County of *Montgomery*.

xii. An Act to enable the Company of Proprietors of the *Calder* and *Hebble* Navigation to improve their Navigation, and to amend the Acts relating thereto.

xiii. An Act for extending the Approaches to *London Bridge*, and amending the Acts relating thereto.

xiv. An Act for granting certain Powers to the *New Brunswick* and *Nova Scotia* Land Company.

xv. An Act for granting certain Powers to "The *British American* Land Company."

xvi. An Act for better paving, cleansing, lighting, watching, watering, and otherwise improving the Streets and other public Passages and Places within the Borough of *Dorchester* in the County of *Dorset*, and the Tithing of *Colliton Row* in the Town of *Dorchester* aforesaid.

xvii. An Act to alter, amend, and enlarge the Powers of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for supplying the City and Suburbs of* Limerick *in the County of the City of* Limerick *with Water*.

xviii. An Act for better supplying with Water the Town and County of the Town of *Newcastle-upon-Tyne*, and the Neighbourhood thereof.

xix. An Act to alter, amend, and enlarge the Powers of an Act passed in the First Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act for empowering the Marquis of* Bute *to make and maintain a Ship Canal commencing near the Mouth of the River* Taff *in the County of* Glamorgan, *and terminating near the Town of* Cardiff, *with other Works to communicate therewith*.

xx. An Act for enabling the Company of Proprietors of the Western Branch of the *Montgomeryshire* Canal to effect an Agreement with *William Pugh* of *Bryan Llywarch* in the County of *Montgomery*, Esquire; and for securing certain Monies advanced and paid by the said *William Pugh* and others to or for the Use of the said Company.

xxi. An Act to enable the *Birmingham* and *Liverpool* Junction Canal Navigation Company to raise a further Sum of Money.

xxii. An Act to continue the Term and to alter and amend the Powers of an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, for taking down and rebuilding *Folly Bridge* otherwise *Friars Bridge*, across the River *Isis*, in or near the City of *Oxford*.

xxiii. An Act for uniting into One Parish the Parishes of *Saint John the Baptist* and *Saint Benedict* in the Town of *Glastonbury* in the County of *Somerset*.

xxiv. An Act to incorporate a Company for better supplying with Gas the Town of *Cambridge* in the County of *Cambridge*.

xxv. An Act for uniting the *Wigan* Branch Railway Company and the *Preston* and *Wigan* Railway Company; for authorizing an Alteration to be made in the Line of the last-mentioned Railway; and for repealing, altering, and amending the Acts relating to the said Railways.

xxvi. An Act for making and maintaining a Railway from *Blaydon* to *Hebburn*, with Six Branches thereout, all within the County Palatine of *Durham*.

xxvii. An Act for enabling the *Dublin* and *Kingstown* Railway Company to make an Extension of their present Line of Railway, and for altering and amending the Act for making the said Railway.

xxviii. An Act for repairing and improving the Second District of the Road from *Coleshill*, through the City of *Lichfield* and the Town of *Stone*, to the End of the County of *Stafford* in the Road leading towards *Chester*, and making a new Branch thereto; and also to annex to and consolidate therewith the Turnpike Road from *Rugeley*, through *Armitage*, to *Alrewas* in the County of *Stafford*.

xxix. An Act for more effectually amending, widening, and repairing the Road from *Yarmouth Bridge*, through the Hamlet of *Southtown* otherwise *Little Yarmouth*, to *Gorleston* in the County of *Suffolk*.

xxx. An Act for the better Maintenance, Improvement, and Repair of the Road from *Livingston*, by *Shotts*, to the City of *Glasgow*, and the making and maintaining certain Roads connected therewith.

xxxi. An Act for improving and maintaining certain Roads in the Counties of *Montgomery*, *Merioneth*, *Salop*, and *Denbigh*.

xxxii. An Act for repairing and maintaining the Road from *Quebec* in the Parish of *Leeds* in the West Riding of the County of *York*, to *Homefield Lane End* in the same Parish, with a Bridge or Bridges on the Line of such Road; and for making and maintaining certain Branch Roads to communicate therewith.

xxxiii. An Act for lighting with Gas the Town or Borough of *Bridgewater* in the County of *Somerset*, and Suburbs of the said Town or Borough.

xxxiv. An Act to repeal an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for enabling the* Alliance *Marine* Assurance *Company to sue and be sued in the Name of the Chairman for the Time being, or of any other Member of the Company*, and for granting certain Powers to the said Company instead thereof.

xxxv. An Act to enable the Proprietors or Shareholders in a Company or Association styled "The United Kingdom Life Assurance Company" to sue and be sued in the Name of One of their Directors, or Secretary.

xxxvi. An Act to enable "The *Suffolk* and General Country Amicable Insurance Office" to sue and be sued in the Name of One of their Treasurers, or of any One of their Directors, and for other Purposes relating thereto.

xxxvii. An Act to amend an Act of the Fifty-fourth Year of King *George* the Third, for enabling The West of *England* Fire and Life Insurance Company" to sue and be sued in the Name of their Secretary, and to give further Powers to the said Company.

xxxviii. An Act to incorporate the Subscribers to *Saint George's Hospital* at *Hyde Park Corner*, and for better enabling them to carry on their charitable Designs.

xxxix. An Act to alter and amend an Act of the Ninth Year of the Reign of His late Majesty, intituled *An Act for more effectually repairing several Roads leading through the County of* Selkirk, *and for better making and repairing the said Roads, and other Roads in the said County and in the Vicinity thereof.*

xl. An Act to repeal an Act of the Forty-ninth Year of King *George* the Third, for the more easy and speedy Recovery of Small Debts within the Parish of *Merthyr Tidfil* and other Places therein mentioned, in the Counties of *Glamorgan*, *Brecon*, and *Monmouth*.

xli. An Act for extending the Time for completing the *Wishaw* and *Coltness* Railway in the County of *Lanark*.

xlii. An Act for better supplying the Borough of *Dudley* in the County of *Worcester*, and the Neighbourhood thereof, with Water.

xliii. An Act for improving the Port and Harbour of *Aberavon* in the County of *Glamorgan*.

xliv. An Act to provide for lighting the Suburbs of the City of *Gloucester* with Gas.

xlv. An Act for erecting, establishing, and maintaining a Market in the Parish of *St. George the Martyr* in the Borough of *Southwark* in the County of *Surrey*.

xlvi. An Act for building a Bridge over the Water from the Town and County of the Town of *Poole* to the Parish of *Hamworthy* in the County of *Dorset*, with an Approach thereto.

xlvii. An Act for lighting, watching, cleansing, paving, and otherwise improving the Town of *Chippenham* in the County of *Wilts*.

xlviii. An Act for preserving and maintaining the Piers and Harbour of *Cromarty*.

xlix. An Act for removing the Markets held in the Town and Borough of *Monmouth* in the County of *Monmouth*, and for providing other Market Places in lieu thereof.

l. An Act to amend Two Acts passed in the Ninth and Tenth Years of His late Majesty King *George* the Fourth, for building a Bridge over the River *Thames* at *Staines* in the County of *Middlesex*, and for making proper Approaches thereto.

li. An Act for deepening, extending, and improving the Navigation of the River *Dart*, from *Totnes Bridge* to *Langham Wood Point* in the County of *Devon*.

lii. An Act for better lighting the City of *Gloucester* and its Suburbs with Gas, and for enlarging the Capital of the *Gloucester* Gas Light Company.

liii. An Act for making a navigable Canal from the *Bridgewater* and *Taunton* Canal in the Parish of *Creech Saint Michael* in the County of *Somerset*, and terminating in the Parish of *Chard* in the same County, with a collateral Cut therein described.

liv. An Act to enable the *Gloucester* and *Berkeley* Canal Company to take Water from the River *Froome*, and to alter and enlarge the Powers of the several Acts for making and maintaining the said Canal.

lv. An Act to enable the Grand Junction Railway Company to alter and extend the Line of such Railway, and to make a Branch therefrom to *Wolverhampton* in the County of *Stafford;* and for other Purposes relating thereto.

lvi. An Act to enable the *Hartlepool* Dock and Railway Company to make a new Branch of Railway to the City of *Durham;* and for amending an Act of the Second Year of His present Majesty, relative to the *Hartlepool* Railway.

lvii. An Act for making and maintaining a Railway from the *Hartlepool* Railway near to *Moorsley* to the *Stanhope* and *Tyne* Railroad in the Township of *Usworth*, all in the County of *Durham.*

lviii. An Act to alter and amend an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, for paving, lighting, watching, and otherwise improving *Grosvenor Place*, and several Streets and other public Places in the Parishes of *Saint George Hanover Square* and *Saint Luke Chelsea* in the County of *Middlesex.*

lix. An Act for repairing and maintaining the Road from *Stafford* to *Church Bridge*, and the Road from *Stafford* to *Uttoxeter*, in the County of *Stafford*, and also the Road from *Stafford* to *Newport* in the County of *Salop.*

lx. An Act for more effectually repairing certain Roads from *Scaddow Gate* in the Parish of *Ticknall* to the *Burton-upon-Trent* and *Ashby* Road, and for making new Branches of Road, in the Counties of *Derby* and *Leicester.*

lxi. An Act for more effectually making, amending, widening, repairing, and maintaining certain Roads and Bridges in the Counties of *Dumbarton* and *Stirling.*

lxii. An Act for supplying with Water the Inhabitants of the Town and Parish of *Brighthelmston*, and the Parishes of *Hove* and *Preston*, in the County of *Sussex.*

lxiii. An Act for more effectually draining and preserving certain Fen Lands and Low Grounds in the Parishes of *Stoke Ferry*, *Northwold*, *Wretton*, *Wereham*, *West Dereham*, *Roxham*, *Fordham*, *Denver*, *Downham Market*, *Wimbotsham*, and *Stow Bardolph* in the County of *Norfolk.*

lxiv. An Act for embanking, draining, and otherwise improving Lands in the Parishes of *Holbeach* and *Gedney* in the County of *Lincoln.*

lxv. An Act for establishing a general Cemetery in the Neighbourhood of the City of *Dublin.*

lxvi. An Act for establishing a Market within the Town of *Fishguard* in the County of *Pembroke.*

lxvii. An Act to alter and amend an Act passed in the Eleventh Year of the Reign of His late Majesty and First Year of the Reign of His present Majesty, intituled *An Act for enlarging, improving, and maintaining the Port and Harbour of* Perth, *for improving the Navigation of the River* Tay *to the said City, and for other Purposes therewith connected.*

lxviii. An Act for making and maintaining a Railway from *Hayle* in the Parish of *Saint Erth* in the County of *Cornwall* to *Tresavean Mine* in the Parish of *Gwennap* in the said County, with several Branches therefrom.

lxix. An Act to encourage the working of Mines and Quarries in *Ireland*, and to regulate a Joint Stock Company for that Purpose, to be called "The West *Cork* Mining Company."

lxx. An Act to enable the *Carmarthenshire* Railway or Tramroad Company to raise a further Sum of Money, and to amend the Act relating to the said Company.

lxxi. An Act to enable the *Edinburgh* and *Dalkeith* Railway Company to make a Branch from the said Railway to the Town of *Dalkeith*, and to extend the *Leith* Branch of the said Railway, and for other Purposes relating thereto.

lxxii. An Act for making and for more effectually maintaining and repairing certain Roads in the County of *Lanark*, and for building a Bridge over the River *Clyde* at *Crossford* in the said County.

lxxiii. An Act for more effectually repairing certain Roads from *Kingsbridge* to *Dartmouth*, and for making new Branches to and from the same, all in the County of *Devon.*

lxxiv. An Act for amending, varying the Tolls, and extending the Term of an Act of the Fifty-ninth Year of His late Majesty King *George* the Third, for amending and keeping in repair the Mail Coach Road leading from *Banbridge* in the County of *Down* to *Belfast* in the County of *Antrim.*

lxxv. An Act for making the Hamlet of *Hammersmith* within the Parish of *Fulham* in the

County of *Middlesex* a distinct and separate Parish; and for converting the Perpetual Curacy of the Church of *Saint Paul Hammersmith* into a Vicarage, and for the Endowment thereof.

lxxvi. An Act for continuing certain Acts for regulating the Police of the City of *Edinburgh* and the adjoining Districts, and for other Purposes relating thereto.

lxxvii. An Act for more effectually enforcing the due Execution of the Office of Constable in the City of *London* and Liberties thereof.

lxxviii. An Act to alter, amend, enlarge, and extend the Powers and Provisions of several Acts for enabling the Company of Proprietors of the South *London* Waterworks to supply the Inhabitants of the Parish of *Saint Giles Camberwell* and Parts of the Parish of *Saint Mary's Lambeth*, and several other Parishes and Places in the County of *Surrey*, with Water; and to enable the said Company to supply the Inhabitants of the several Parishes of *Saint Mary Lambeth*, *Saint Mary Newington*, *Saint George the Martyr*, *Saint Saviour*, *Saint John*, *Saint Thomas*, *Saint Olive*, and *Christchurch*, all in the said County, with Water.

lxxix. An Act for better supplying with Water the Borough of *Southwark*, and Parishes and Places in the County of *Surrey* near thereto.

lxxx. An Act for erecting and maintaining a new Gaol and Court House and other Offices for the Burgh of *Elgin* and the County of *Elgin* and *Forres*; and for erecting and maintaining a new Gaol and Court House and other Offices for the Burgh of *Forres*; and for other Purposes relative thereto.

lxxxi. An Act for erecting and maintaining a Gaol for the Royal Burgh of *Dundee* in the County of *Forfar*.

lxxxii. An Act to amend and enlarge the Powers of an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act for granting certain Powers to a Company called "The General Steam Navigation Company."*

lxxxiii. An Act for taking down and removing *Old Stratford Bridge* over the River *Ouse* in the Counties of *Buckingham* and *Northampton*, and for erecting a more commodious Bridge in lieu thereof.

lxxxiv. An Act to amend an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Erection of a Bridge across the River* Shannon, *and of a Floating Dock to accommodate sharp Vessels frequenting the Port of* Limerick.

lxxxv. An Act for establishing a Floating Bridge over the River *Itchen* from or near a Place called *Cross House*, within the Liberties of the Town of *Southampton*, to the opposite Shore in the County of *Southampton*, with proper Approaches thereto, and for making Roads to communicate therewith.

lxxxvi. An Act for constructing and maintaining a new Harbour at *Stotfield Point*, near to and in conjunction with the old Harbour of *Lossiemouth* in the County of *Elgin* and *Forres*.

lxxxvii. An Act to extend the Powers of the several Acts now in force for improving the Port and Harbour of *Boston* in the County of *Lincoln*.

lxxxviii. An Act for making a Railway from *London* to *Southampton*.

lxxxix. An Act to continue, alter, and amend an Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth, for more effectually repairing and improving the *Middlesex* and *Essex* Turnpike Roads; to provide for the rebuilding of *Bow Bridge* in the Counties of *Middlesex* and *Essex*, the improving of the several other Bridges upon the said Roads, and for other Purposes relating thereto.

xc. An Act for paving, watching, lighting, regulating, and otherwise improving the Town of *Kingstown* in the County of *Dublin*.

xci. An Act for regulating and converting the Statute Labour in the Stewartry or Sheriffdom of *Orkney*, and for more effectually making, repairing, and maintaining the High Roads and Bridges within the same.

xcii. An Act for amending the Proceedings and Practice of the Court of Passage of the Borough of *Liverpool* in the County Palatine of *Lancaster*.

xciii. An Act to amend and explain an Act passed in the First Year of His present Majesty, for establishing and maintaining the Harbour of Port *Crommelin* in the Bay of *Cushendun* in the County of *Antrim*.

xciv. An Act for making, improving, and keeping in repair the Roads leading from *Barrington* to *Campsfield* and *Enslow Bridge* in the County of *Oxford*.

xcv. An Act for better paving, cleansing, lighting, and improving the Waterside Division of the Parish of *Saint Mary Magdalen, Bermondsey*, in the County of *Surrey*.

xcvi. An Act for incorporating certain Persons for the Carriage of Goods and Commodities by means of a Railway from the City of *Durham* to *Sunderland near the Sea,* with a Branch to join the *Hartlepool* Railway in the Township of *Haswell,* all in the County of *Durham.*

PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for amending an Act of the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for inclosing Lands in the Tithings of* Arle *and* Arleston *otherwise* Allstone *in the Parish of* Cheltenham *in the County of* Gloucester, *and for discharging from Tithes Lands in the said Tithings.*

2. An Act for inclosing Lands in the Parish of *Tisbury* in the County of *Wilts,* and for dividing the said Parish into Three Parishes.

3. An Act for inclosing Lands in the Parish of *Great Shelford* in the County of *Cambridge,* and for commuting the Tithes of the said Parish.

4. An Act for inclosing Lands in the Parish of *Duntsborne Rouse* in the County of *Gloucester,* and for exonerating from Tithes the Lands in the said Parish.

5. An Act to effect a Partition of the Advowson of the Vicarage and Parish Church of *Cockerham* in the County Palatine of *Lancaster,* and to confirm the Sale of the next Turn or Right of Presentation thereto.

6. An Act for more effectually vesting in the Feoffees acting under the Will of *Isaac Bowcock* certain Estates in the County of *York,* held for certain charitable Uses applicable within the Parish of *Keighley* in the said County, and for confirming certain Leases, Covenants, and Contracts of Sale already made as to Parts of such Estates, and authorizing the granting of Building Leases and the Sale of other Parts of such Estates.

7. An Act for enabling the Dean and Chapter of the Cathedral Church of *Saint Paul* in *London,* and their Successors, to grant Licences for building upon and improving the Copyholds within the Manor of *Sutton Court* in the Parish of *Chiswick* in the County of *Middlesex,* and to grant Licences to demise such Copyholds for those Purposes, and to fix the Fines payable upon Admission to the same during limited Periods.

8. An Act for vesting Estates belonging to *Eleanora Anne Julia Hunt Grubbe* Spinster, an Infant, in Trustees for Sale, and for laying out the Money arising from such Sale, under the Direction of the High Court of Chancery, in the Purchase of other Estates, and for granting Leases of the Estates to be purchased; and for other Purposes.

9. An Act to commute for a Corn Rent certain Tithes within the Parish of *Kirkby Lonsdale* in the County of *Westmorland.*

10. An Act for inclosing Lands in the Parish of *Dalwood* in the County of *Dorset.*

11. An Act for inclosing Lands in the Parish of *Middleton* in *Teesdale* in the County of *Durham.*

12. An Act for dividing, allotting, inclosing, and otherwise improving the Open Fields, Commons, and Waste Lands in the Liberty of *Kirk Langley* in the County of *Derby.*

13. An Act for inclosing and exonerating from Tithes Lands in the Parish of *Colmworth* in the County of *Bedford.*

14. An Act for inclosing, dividing, and allotting the Commons, Droves, Banks, and Waste Lands in the Parish of *Elm* in the *Isle of Ely* in the County of *Cambridge.*

15. An Act for inclosing Lands within the Townships of *Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee,* and *Quarnford,* all in the Parish of *Alstonefield* in the County of *Stafford.*

16. An Act for inclosing Lands in the Parish of *Chipstable* in the County of *Somerset.*

17. An Act to amend the Corn Rent Schedules annexed to the Award made in pursuance of an Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, for inclosing Lands in the Parish of *Longney* in the County of *Gloucester.*

18. An Act to commute for a Corn Rent the Tithes and Dues payable to the Rectors and Vicar of the Parish of *Kendal* otherwise *Kirkby Kendal* in the County of *Westmoreland.*

19. An Act for confirming and carrying into effect a Partition and Division of the Real and Personal Estates of *William Molyneux* Esquire, deceased, and for other Purposes therein mentioned.

20. An Act for facilitating the Proof of the Will of the Right Honourable *Charles Henry Coote* late Earl of *Mountrath* in certain Actions in *Ireland*.

21. An Act to enable the Trustees of *Hugh Montgomerie* of *Skelmorlie*, Earl of *Eglinton*, deceased, to sell a Part of the Trust Estates, in order to extinguish the Debts left by the said Earl which affect or may be made to affect the said Estates.

22. An Act for settling and securing the Lands of *Potterfield*, and Parts of the Lands, Lordship, and Barony of *Elphinstone*, in the County of *Stirling*, to and in favour of *George* Earl of *Dunmore* and the Series of Heirs entitled to succeed under a Deed of Entail made by the Trustees of *John* Earl of *Dunmore* deceased, and under the Conditions and Limitations contained therein, and for vesting in lieu thereof the Lands of *Carrick*, *Innermuck*, and others, in the County of *Argyll*, in the said *George* Earl of *Dunmore* and his Heirs and Assignees in Fee Simple.

23. An Act to enable the Trustees of *George* Viscount *Keith* deceased to sell certain Lands vested in them in Trust, and purchase with the Price thereof the Lands of *Burnbrae*; and to empower the Heir to Entail of the said Lands of *Burnbrae* to dispose of the same; and for investing the Price thereof in other Lands, to be entailed to the same Series of Heirs.

24. An Act to grant further Powers of leasing Part of the Estates devised by and purchased pursuant to the Will of Sir *John Aubrey* Baronet, deceased.

25. An Act for vesting Part of the Settled Estates in the County of *York* devised by the Will of *Henry Peirse* Esquire, deceased, in Trustees, upon Trust to sell, and to apply the Monies arising therefrom, under the Direction of the High Court of Chancery, in the Purchase of other Estates to be settled to the same Uses, with Power to pay off Incumbrances.

26. An Act for exonerating Estates in the Counties of *Somerset* and *Devon* comprised in the Marriage Settlement of Sir *John Palmer Acland* Baronet, deceased, from the Jointure or Rent-charge thereby limited to Dame *Sarah Maria Palmer Acland* his Widow, during her Life, and for charging other Estates in the County of *Somerset* devised and directed to be purchased by the Will of the said Sir *John Palmer Acland* with the Payment thereof.

27. An Act for vesting certain detached Estates devised by the Will of the late *Henry Charles Aston* Esquire, deceased, in Trustees, upon Trust to raise Money for the Purchase of an Estate called the *Dutton Estate*, in the County of *Chester*, and for other Purposes incidental thereto.

28. An Act for effecting an Exchange of certain Parts of the Entailed Estates of the Right Honourable *Anthony Adrian Keith Falconer* Earl of *Kintore*, Lord *Falconer*, of *Haulkertown*, situated in the Counties of *Kincardine* and *Forfar*, for certain Lands belonging to *Robert Taylor* of *Kirktonhill*, Esquire, situated in the County of *Kincardine*.

29. An Act for inclosing Lands within the Parish and Manor of *Stanwick* in the County of *Northampton*, and for extinguishing the Tithes therein.

30. An Act for vesting certain Estates situate in the Parish of *Herne* in the County of *Kent* devised by the Will of *Edward Reynolds* Esquire, deceased, in Trustees for Sale, and for laying out the Monies to be produced by such Sale in the Purchase of other Estates, to be settled to the same Uses.

31. An Act for vesting Part of the Settled Estates of the Most Honourable *George Augustus Francis Rawdon Hastings* Marquis of *Hastings* and the Most Honourable *Barbara Yelverton* Marchioness of *Hastings*, Baroness *Grey de Ruthyn*, his Wife, situate in the County of *Warwick*, in Trustees for Sale, and for laying out the Money arising from such Sale in the Purchase of other Lands, to be settled to the same Uses.

32. An Act for vesting the Estates in the Counties of *Surrey* and *Cornwall* devised by the Will of *Matthew Russell* Esquire, deceased, in Trustees, upon Trust to sell the same, and to lay out the Monies to arise from such Sale in discharging Incumbrances on other Estates settled to the same Uses, or in the Purchase of other Estates, to be settled to the same Uses.

33. An Act to authorize the Sale of Lands settled for the perpetual Augmentation of the Curacy of *Oldbury* in the County of *Salop*.

34. An Act for inclosing Commons and Waste Lands within the Parishes of *Mealiffe*, *Upper Church*, and *Temple Beg*, in the County of *Tipperary*.

35. An Act for establishing a School on the Site of *Honey Lane Market* in the City of *London*.

36. An Act for the Relief of *Patrick Richard Blackwood Brady* and *Richard Blackwood* Esquires, in respect of certain Lands and Premises, their Estates, situate in the County of *Cavan* in *Ireland*.

PRIVATE ACTS,

NOT PRINTED.

37. AN Act to enable *James Thomas* of *Halifax* in the County of *York,* Gentleman, and his Issue, to take and use the Surname and Arms of *Berry.*

38. An Act for inclosing Lands in the Township of *Raskelf* in the Parish of *Easingwold* in the North Riding of the County of *York.*

39. An Act for the Naturalization of *John Peter Segundo Mousley* and *Charles Edward Eugene Mousley.*

40. An Act for inclosing Lands within the Manors and Tithings of *Elwell* otherwise *Ridgeway* and *Stottingway* within the Parish of *Upway* in the County of *Dorset.*

41. An Act to dissolve the Marriage of *John Allan* with *Jane* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

42. An Act to enable *Frederick Lumley* Esquire to take and use the Surname and Arms of *Savile.*

43. An Act for naturalizing *Charles William Francken.*

44. An Act to dissolve the Marriage of *Isaac John Horlock* Esquire with *Phebe Horlock* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

45. An Act for naturalizing *Arthur Auguste de la Rive* of *Geneva,* and *William de la Rive, Jeanne Adele de la Rive,* and *Charles Lucien de la Rive,* his Children.

46. An Act to dissolve the Marriage of *Henry Howell* with *Elizabeth* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

GENERAL INDEXES

TO

VOLS. XXI., XXII., XXIII., XXIV., XXV., *(THIRD SERIES)* SESSION 1834.

OF

HANSARD'S PARLIAMENTARY DEBATES.

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T. C. Hansard,
52, Paternoster-Row.